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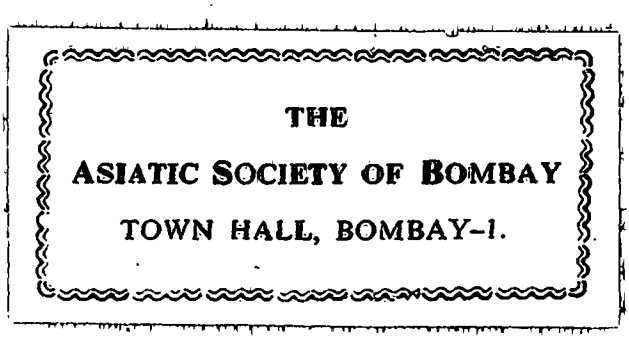

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SPEECH

OF

LIEUTENANT GENERAL

WILLIAM THORNTON,

&c. &c. &c.

SPEECH

OF

LIEUTENANT GENERAL

WILLIAM THORNTON,

IN

THE HOUSE OF COMMONS;

ON THURSDAY, THE 7th OF MAY, 1818,

ON HIS MOTION

TO REPEAL THE DECLARATIONS, AGAINST THE BELIEF OF TRANSUBSTANTIATION, AND ASSERTING THE WORSHIP OF THE CHURCH OF ROME TO BE IDOLATROUS.

WITH

AUTHORITIES AND ILLUSTRATIONS,

DEDUCTION AND CONCLUSION.

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SPEECH, &c.

Mr. SPEAKER,

BEFORE I proceed to give my reasons for making the motion which I have now the honour of bringing before the House according to my notice, namely, for leave to bring in a bill, "to repeal such parts of the acts of the twenty-fifth and thirtieth years of the reign of King Charles the Second,

as require, in certain cases, declarations to be made against the belief of transubstantiation, and asserting the worship of the Church of Rome to be idolatrous;" I think it right to state to the House the occasion of my having delayed it to this period, notwithstanding I gave notice of it on the very first day of the present session, in order to redeem a pledge I made to the House at the conclusion of the last session of parliament.

It will be recollected, Sir, that late in the last session, I brought forward a similar motion; and extraordinary as it may appear,

I have reason to believe it was the first time a motion so much to be desired was ever proposed to the House. The lateness of bringing it forward in that session proceeded chiefly from my wish not to interfere with the Roman Catholic question which has been so often before this House.

I was determined from a sense of propriety, not to give notice of my motion until after that question was disposed of; and as my proposition appeared so moderate and reasonable, I flattered myself no material opposition would be made to it, and that there would be sufficient time for it to pass

into a law. But the noble Lord in the blue riband (Lord Castlereagh) having moved the previous question on it, I found the friends of the measure were of opinion it would be too late to press it in that session, and on that account I readily gave way to the motion of the noble Lord, making a pledge to the House, that I would submit it again as early as I conveniently could in the present session

Finding, however, Sir, that but few of the Irish members were expected to be in their places until after the Easter recess, and deeming it material that there should be a full attendance from

that part of the United Kingdom, I put it off from time to time until such an attendance was likely to be procured; and on ascertaining that it was not intended to bring on the Roman Catholic question during the present session, I thought there were good reasons for complying with the suggestions I had received for postponing my motion until the present period.

I have derived one very material satisfaction from this delay; for notwithstanding the notice of my motion was given at the conclusion of the last session, and has been frequently renewed during

the present session, not one petition has been presented against it, although so many petitions were presented against the Roman Catholic question.

I have some grounds therefore for flattering myself, Sir, that the justice and propriety of my motion are felt, not only by the Clergy of the established Church, but by Protestants in general; and I should have entertained very little doubt of its being carried almost unanimously in parliament, had I not had the mortification of hearing, to my surprise, that it is intended, from a most respectable quarter, again

to move the previous question; although the lateness of the session, and the want of time to canvass the measure thoroughly, and to carry it through parliament, or the having entertained before in the present session the Catholic question, cannot again be urged.

Indeed, Sir, that the latter objection could last session have been made, must have arisen, I think, from misapprehension of my motion, for I should not have had the presumption, of entertaining for one moment, any intention of interfering in the smallest degree, with those persons of great and splendid talents

who have delivered their sentiments in so masterly a manner, on proposing the question of Catholic emancipation. No, Sir, my motion may with much greater propriety be called the Protestant question; for it extends no further than to repeal declarations which are a disgrace to our religion and to our Statute Books, and which only give just offence without adding to the security of Church or State. In doing this I shall carefully abstain from touching on the Roman Catholic question.

The first declaration I allude to, is confined to the profession of a

disbelief in transubstantiation, a declaration perfectly unnecessary, and improper as a motive for exclusion from any situation.

The second declaration included in my motion, which is the one required to be made by every Member of both Houses of Parliament at the table on taking his seat, is much more objectionable. It not only requires, very unnecessarily, a disbelief in transubstantiation, but it asserts the worship of the Church of Rome to be idolatrous.

It is not intended by my motion to make any alteration with

regard to the oaths of supremacy, allegiance, and abjuration, which will remain in force, and which are a full and sufficient security for Protestants; particularly the oath of supremacy.

I say, therefore, Sir, this may truly be called a Protestant question; for it is a much greater stain on Protestants to be revilers than on Catholics to be reviled.

These declarations appear to me to be inexcusable, and a reproach to our Religion and to our Statute Books, which cannot be too soon wiped off.

I will, with the leave of the House, read the declaration required by the act of the thirtieth year of the reign of King Charles the Second, which the members of both Houses of Parliament are obliged to make at the table of the House on taking their seats, and to subscribe, and audibly repeat.

"I A.B. do solemnly and sincerely, in the presence of God, profess, testify, and declare, that I do believe, that in the Sacrament of the Lord's Supper, there is not any transubstantiation of the elements of bread and wine into the body and blood of Christ,

at or after the consecration thereof by any person whatsoever: And that the invocation, or adoration of the Virgin Mary, or any other saint, and the sacrifice of the mass, as they are now used in the Church of Rome, are superstitious and idolatrous: And I do solemnly, in the presence of God, profess, testify, and declare, that I do make this declaration, and every part thereof, in the plain and ordinary sense of the words, read unto me, as they are commonly understood by English Protestants, without any evasion, equivocation, or mental reservation whatsoever, and without any dispensation already granted me

for this purpose by the Pope, or any other authority or person whatsoever, or without any hope of any such dispensation from any person or authority whatsoever, or without thinking that I am or can be acquitted before God or man, or absolved of this declaration or any part thereof; although the Pope, or any other person or persons, or power whatsoever, should dispense with or annul the same, or declare that it was null or void from the beginning."

Now, Sir, it appears clearly to me, that Protestants for their own honour, and for the credit of their Church, ought not to be called

upon to make so abominable a declaration, the original enactment of which can only be imputed to alarm and despair.

Bishop Burnet, in the History of his own Times, gives the following account of the origin of it, namely, "that while examinations were going on about the popish plot, and preparation was making for the trial of the prisoners, a bill was brought into the House of Commons, requiring all Members of either House, and all such as might come into the King's court or presence, to take a test against popery, in which not only transubstantiation was

renounced, but the worship of the Virgin Mary and the saints, as it was practised in the Church of Rome, was declared to be idolatrous. This passed in the House of Commons without any difficulty; but in the House of Lords, Gunning, Bishop of Ely, maintained that the Church of Rome was not idolatrous; and was answered by Barlow, Bishop of Lincoln. The Lords did not much mind Gunning's arguments, but passed the bill. And though Gunning had said he could not take that test with a good conscience, yet, as soon as the bill was passed, he took it in the crowd with the rest."

It is impossible, I think, Sir, that such a declaration could have been carried at any other time, but when the established Church was supposed to be in the greatest danger. King Charles the Second was suspected to be a Papist, and his brother, the Duke of York, the next heir to the throne, was known to be a Papist. It is not extraordinary, therefore, that great alarm prevailed for the safety of the Protestant Church, which was much aggravated by rumours of Popish plots, which have since been proved to be disgraceful impositions.

The danger, however, what-

ever it might have been at that time, no longer exists. The established religion is secure; and we may safely do justice to the Catholics and to ourselves, by taking off these offensive declarations.

The Right Honourable Member for the University of Oxford (Mr. Peel), in his admirable speech of last session, admitted the grievous nature of an exclusion, but said the question was—whether such an exclusion was necessary?

The only excuse for any exclusion, appears to me to be the acknowledgment of a foreign

jurisdiction; and those who do acknowledge a foreign jurisdiction, will be effectually excluded by the oath of supremacy, which I will read, with the leave of the House, and which I think will prove these odious declarations to be as unnecessary as they are uncharitable.

"I A. B. do swear, that I do from my heart abhor, detest, and abjure, that damnable doctrine and position, that princes excommunicated or deprived by the Pope, or any authority of the see of Rome, may be deposed or murdered by their subjects, or any other whatsoever. And I do

declare that no foreign prince, person, prelate, state, or potentate, hath, or ought to have, any jurisdiction, power, superiority, pre-eminence, or authority, ecclesiastical or spiritual, within this realm: So help me God."

With such a comprehensive oath, containing every security which can fairly be desired, we ought undoubtedly to be satisfied. Those who are willing to take this oath, are certainly not proper objects of exclusion.

But it has been frequently said, Sir, that Roman Catholics do not regard the taking of oaths falsely,

when their religion is in question, and that they are restrained only by these declarations.

This charge has always appeared to me so very absurd, as well as so very uncharitable, that I should have hardly thought a refutation of it necessary, did I not find such a prejudice very generally prevail amongst Protestants.

However unreasonable, they say, the charge may appear, the truth of it is proved by History.

Now, Sir, on this point I beg the particular attention of the House, as I sincerely believe such,

a charge is no where proved in History, and that it is totally unfounded in fact.

The cases in the time of King Charles the Second, of the Duke of York, and Lord Clifford, have been instanced as cases in point. But the Duke of York did not change from the Protestant to the Roman Catholic religion until the year 1669; whereas the Long Parliament continued from 1661 to 1679. Any oath which he might have been called upon to take for the purpose of sitting in Parliament prior to the act of the thirtieth year of the reign of King Charles the Second must, there-

fore, have been before he became a Roman Catholic, and in that act there was an exception made in his favour, to excuse him from the operation of it.

With respect to Lord Clifford, I have reason to believe that he continued a Protestant some years after the Duke of York. He was employed by King Charles the Second to endeavour to prevail on the Duke of York to receive the sacrament with his Majesty at Christmas, 1672, according to the rites of the Church of England, but did not succeed. It is so stated in the Rev. Dr. Clarke's History of King James the Second, lately

published from papers in the possession of His Royal Highness the Prince Regent; where it is likewise stated, that on the new tests being passed in the year 1673, Lord Clifford resigned his situation as Lord Treasurer in the June of that year, who, *though a new convert*, generously preferred his conscience to his interest.

There can be, therefore, no ground for accusing his Lordship, any more than the Duke of York, of having taken the oath of supremacy falsely for the purpose of sitting in parliament, as they were undoubtedly both of them Protestants at the meeting of the Long

Parliament in 1661, and could therefore very conscientiously take the oath of supremacy if called upon to do so before they took their seats. The truth is, however, Sir, that there was a clause in the act of the fifth year of the reign of Queen Elizabeth, exempting the Temporal Lords of the High Court of Parliament from taking the oath of supremacy; so that the Duke of York would not have been called upon to take it. Sir Thomas Clifford, who sat in the House of Commons until he was created a Peer by the title of Lord Clifford, in the year 1672, was liable to that oath in the year 1661, prior to taking his seat in

the House of Commons, but he was then a Protestant, and continued so for many years afterwards.

Besides, Sir, if it could be proved by History, which I am not aware of, that Roman Catholics sat and voted in Parliament between the time of the act of the fifth year of the reign of Queen Elizabeth, when the oath of supremacy was first enacted, and the act of King Charles the Second, which enacted the declaration in question, it will be no proof of the charge of any persons having falsely taken the oath of supremacy; for by that act of Queen

Elizabeth it was not required to be taken at the table of either House of Parliament, but only by Members of the House of Commons before the Lord Steward, for the time being, or his Deputy or Deputies; and as the Sovereign had from early times until long afterwards, exercised a dispensing power by a *non obstante*, the fair inference would be, that in those cases, if such happened, the Sovereign dispensed with the taking of the oath of supremacy. It was not until the passing of the act of the first year of the reign of King William and Queen Mary, that the suspending or dispensing

with the laws by regal authority without the consent of Parliament, was declared illegal.

Until that act was passed, it seems to have been the opinion of the great legal authorities, that the Sovereign had a right to dispense with the penalties of the law by a *non obstante;* and the arguments explaining the distinction between the *malum prohibitum* and the *malum in se*, appear to have been considered of great weight.

By that act of King William and Queen Mary, which declared such regal authority to be illegal in future ; the former power of the

sovereign was fully acknowledged. Indeed it had been before that time maintained, that it was a right inherent in the Sovereign of these realms, and could not be taken away by an act of Parliament. The question is, notwithstanding, set at rest by that statute, and there is no danger of any such dispensing power being again exercised by the Sovereign.

I maintain again, Sir, that my motion claims consideration principally on Protestant grounds, in as much as it derogates from the liberal character of our Church to require such declarations.

The first only professes a disbelief in transubstantiation; but what just right can we have to call on any persons to make a declaration on this point? It may indeed be made by Protestants in general without any disregard to truth, as we understand our Saviour's words in a figurative sense; but it is an unjust excuse for excluding others, because they believe our Saviour's words literally.

I shall however confine myself principally to the second declaration, as it contains all the first declaration against the belief of transubstantiation, together with an assertion that the invocation,

or adoration of the Virgin Mary, or any other saint, and the sacrifice of the mass, as they are now used in the Church of Rome, are superstitious and idolatrous; and this assertion, unchristianlike as it is, every Member of both Houses of Parliament, is solemnly and sincerely, in the presence of God, obliged to make, subscribe, and audibly repeat, at the table of the House.

It does seem to me, Sir, most extraordinary, that even in those times of alarm and danger, such a breach of Christian charity should ever have become law; and still more extraordinary, that no at-

tempt should have been made until last session to repeal it, and that it should have been left to me to make an original motion to get rid of such opprobrious language, as can only have the effect of occasioning and embittering animosities, and making them more dangerous.

I attribute to wanton abuse, Sir, and to the Orange meetings and processions, most of the disturbances in Ireland. The noble Lord in the blue riband (Lord Castlereagh), and the Right Honourable Secretary for Ireland (Mr. Peel), have acted wisely and honourably in discouraging such open insults

on the Catholics of Ireland. The happy effect has already been, to produce peace and quiet, in consequence of a better temper and disposition between the different religions. I should have been still more pleased, if an act had been passed to render such proceedings in future illegal in Ireland as well as in England ; that there may be no danger of a re currence of those evils under ministers less liberal and less wise, and of their again producing animosities and outrages. I am however, Sir, grateful for what has been already done in those instances.

The abolition of these illiberal and offensive declarations will contribute still more to the cordial union of the Protestants and Catholics of the United Kingdom, and there can be no excuse for calling upon any person to declare his belief or disbelief in any doctrine not affecting the safety of the State. The belief in transubstantiation cannot affect the establishment either in Church or State.

This doctrine is not necessarily connected with the supremacy of the Pope; and nothing can be more unwise and impolitic than the tendency of the declarations

to form an union and identity between the two doctrines, the consideration of which, ought, for the happiness of the people and for the benefit of the State, to be kept as distinct as possible.

By our unjust system we do our utmost to drive all those who believe in transubstantiation to acknowledge the spiritual dominion of the Pope, whose authority we thus strengthen, and render more formidable, by our crooked and perverse regulations.

We not only produce this evil, which has been so injurious to Church and State, but we mislead

well-meaning Protestants, by inducing them to think the two doctrines always go together, namely, that those who believe in transubstantiation, of course believe in the Pope's spiritual supremacy. Nothing can be more false. They stand on very different grounds.

The Greek & Russian Churches believe in transubstantiation, in the invocation or adoration of the Virgin Mary, and of the saints, and in the sacrifice of the mass, as now used in the Church of Rome. In that respect there is an agreement in doctrine between those Churches, and the

Church of Rome. But the Greek and Russian Churches do not believe in the spiritual supremacy of the Pope, nor do they submit to his authority in any respect.

Why are we called upon openly to declare our good allies the Russians to be Idolaters? Why are we called upon to declare millions of other Christians Idolaters, who, although they believe in transubstantiation according to the doctrine of the Church of Rome, do not acknowledge the spiritual authority of the Pope? On what just pretence can we any longer exclude persons of the same description, who are natural born

subjects of His Majesty, from their rights and privileges by these infamous declarations ?

Why are we to call all Roman Catholics in all countries Idolaters ? Why are we even to call those of His Majesty's subjects Idolaters, who do believe in the spiritual supremacy of the Pope ?

Our oath of supremacy will still be in force to give full protection to Church and State against any evil which can be supposed to arise from the doctrine of Popery.

That oath and the oath of

allegiance are now twice taken by every Member of the House of Commons. They are not only taken as originally enacted before the Lord Steward for the time being, or his Deputy or Deputies, but likewise openly at the table of the House in consequence of later enactments. They are taken by each Peer of Parliament at the table of the House of Lords. And the oath of abjuration is in addition, taken and subscribed by all Members of Parliament at the table of their respective Houses.

Having now full security by an act of Parliament that none of

these oaths can be dispensed with by the authority of the Sovereign, what can be fairly desired more?

I beseech the House to agree to my motion, in order to get rid, as soon as possible, of this horrible declaration, at present required to be made, subscribed, and audibly repeated, by all Members of Parliament at the table of their respective Houses, in addition to the oaths of allegiance, supremacy, and abjuration.

It is another circumstance, Sir, worthy of attention, that this accusation of Idolatry, goes further than any thing contained in our

Thirty-nine Articles of Religion. No charge of Idolatry is to be found in any part of them. They contain nothing stronger than an accusation that the doctrine of transubstantiation hath given occasion to many superstitions. How is it to be accounted for, on any just principle, that those, who preparatory to their going into holy orders, are called upon to subscribe to the Thirty-nine Articles of Religion, after it has been their duty to make this subject their particular study, should only be required to consider the practice, as having given occasion to many superstitions, when the Members of both Houses of

Parliament, on taking their seats, are obliged to declare that they solemnly and sincerely, in the presence of God, do believe the practice not only to be superstitious but likewise to be Idolatrous? Is there not something abhorrent to our religious and moral feelings in such a proceeding? Let me beseech the House to consider well the consequence of it.

Is it a light matter to call on Members to make so insulting a charge, which many well informed Protestants have asserted to be untrue, and which all Catholics disbelieve and disclaim,

professing to hold Idolatry in the same abhorrence as we do. A declaration which even the Clergy of the established Church, by the articles of their religion, are not called upon to countenance, although it is required to be solemnly made by the Archbishops, Bishops, and Laymen of the two Houses of Parliament ! ! !

In short, Mr. Speaker, to call a christian brother an Idolater, is an unpardonable insult and a breach of charity, tending to diminish the friends of the establishment without giving any additional security to Church or State; the oaths of supremacy, allegiance,

and abjuration being ample and sufficient security.

Whenever it it is necessary to inflict a hardship, in which light every exclusion from power in a free state must be considered, it should be inflicted with every regard to the feelings of the person who is to suffer from it. Those Protestants are not to be envied who are for proceeding on an opposite principle! Oppressors and vilifiers are juster objects of detestation than those who are oppressed and vilified.

Indeed, Sir, with regard to Protestants, I am perfectly satisfied

in my own mind, that I shall deserve their thanks for bringing forward this motion. Our religion teaches us to revile no man, and to condemn not that we be not condemned. Let us act up to the principles of our religion, and we cannot hesitate about doing our duty, and adopting the motion which I have the honour to propose to the House. We cannot too soon get rid of this stigma, which attaches to us as long as we allow the declarations to be in force. The stigma of insulting and reproaching numbers of His Majesty's good and loyal subjects, and others, without any reasonable pretence. For the argument

that Roman Catholics will have no scruple to take solemn oaths falsely, although they will not make solemn declarations falsely, is as untrue, as it is absurd, and contrary to common sense. The conscientious believers in the spiritual supremacy of the Pope will continue to exclude themselves as long as our oath of supremacy is in force. And those Papists who are not conscientious, will neither be excluded by oaths nor declarations.

But I trust, Sir, I have likewise made out to the satisfaction of the House, that the declarations unjustly visit with vengeance for

religious opinions only, and that those who do not in any way acknowledge the power of the Pope, are strangely and cruelly brought under their operation.

The declarations are not only drawn up in terms of asperity and bitterness against those Roman Catholics who do acknowledge the spiritual power of the Pope, but likewise against the Greek and Russian Churches, and all others of different persuasions, who deny his supremacy altogether, but who believe in transubstantiation.

Policy and justice both concur

in imperiously calling upon us to repeal these declarations, which as long as they remain in force, will be a standing reproach and disgrace to the Protestant Religion, and will continue to occasion contempt and enmity towards us from most respectable persons, who would on their repeal become our friends. I maintain therefore, Sir, that I have a stronger claim to the gratitude of Protestants for bringing forward this motion in a ten fold and an hundred fold degree, than I have to the thanks of the Catholics; and yet, Sir, almost immediately after I brought forward the same motion in the last session of Parliament, the thanks

of three different meetings of Catholics in Ireland, were conveyed to me in the most handsome and gratifying manner; namely, First, Those of the aggregate meeting of the Catholics of Ireland, holden at Clarendon House Chapel, on Thursday the 3d of July, 1817. Secondly, those of the aggregate meeting of the Roman Catholics of the County of Clare, holden at Ennis, 25th July, 1817. And, Thirdly, those of an aggregate meeting of the Roman Catholics of the County and City of Cork, holden on the 22d August, 1817. I should not do my duty, nor show my gratitude, Sir, to such respectable

meetings, if I did not state circumstances to the House, which I consider so much to their honour, as well as so flattering to me.

With the leave of the House, I will read the thanks which were conveyed to me from the aggregate meeting of the Catholics of Ireland, holden at Clarendon House Chapel, on Thursday the 3d of July, 1817.

" Resolved, that the most cordial Thanks of the Catholics of Ireland be presented to General Thornton, for his liberal, rational, and most conciliatory proposal, to abolish the insulting and degrad-

ing declarations now required as a qualification for office. A proposal which, if adopted, would tend directly to reconcile all classes and denominations of Christians within these realms.

"And that our sincere thanks be also given to Valentine Blake, Esq. Member for the County of the Town of Galway, for his support of that proposal."

I think it is only doing my duty, Sir, not only to those numerous and respectable meetings, but to this House, to state at least so much, to show, how readily the Catholics of Ireland are disposed to

consider voluntary acts of justice as favours, and how much advantage we might have reason to expect from the zeal and attachment of such bodies, if we did not do our utmost to excite a different disposition by gross and offensive acts, which, although intended to degrade Catholics, are an infinitely greater degradation to Protestants, as must be felt, I think, by all liberal and enlightened Christians.

The Members of the Legislature, and all from whom these declarations are required, must surely be glad to be released from such an obligation, and as no clamour now prevails, there can-

not be a more unexceptionable time for carrying the object into execution.

And now, Sir, I have redeemed my pledge, by bringing forward my motion at a period of the present session, which will give sufficient time for investigation, and for the enactment of a law, which will be so honourable to the country. Should I, notwithstanding, fail in carrying a measure so just and reasonable into effect, I can only attribute it to want of clearness and ability on my part in stating the subject to the House.

It is an object I have much at heart, and I cannot help flattering myself, I may at any rate have done good by bringing it into notice, although I should not at the present moment succeed. I trust; in case I should fail, that it will be brought forward in the next session by some Member of greater weight and consequence, and that success will then be certain.

I think it right to say so much, that I may not be considered in the way of any Member who may be in future disposed to propose this repeal.

If, according to general report, there is to be a new Parliament after the present session, having no intention of coming into the next Parliament, I shall not have it in my power to renew my proposition.

But as there may be another session of the present Parliament, in order to prevent any misunderstanding, if it should take place, I consider it proper to declare, that it is not my intention again to bring it forward, hoping that by giving an opening to others, I may enjoy the triumph of their success in so honourable and liberal a cause, and one so con-

sistent with the just principles of morality and of religion, as well as of true policy.

But, for the glory and prosperity of the State, and of the Established Church, to which I am sincerely attached, I entertain hopes, Mr. Speaker, that the House will now give me leave to bring in my bill. I have therefore the honour of moving, "That leave be given to bring in a bill to repeal such parts of the acts of the 25th and 30th years of the reign of King Charles the Second as require, in certain cases, declarations to be made against the belief of Transubstantiation, and

asserting the worship of the Church of Rome to be idolatrous."

The motion was seconded by Mr. William Smith,

Which being read from the Chair,

Lord Viscount Castlereagh moved the previous question.

The Speaker said, according to the rules of the House, it would be necessary to move to refer the motion to a Committee of the whole House.

The acts (25 and 30 Car. 2) were entered as read,

Motion was made and question proposed,

"That leave be given to bring in a bill to repeal such parts of the said acts as require, in certain cases, declarations to be made, against the belief of Transubstantiation, and asserting the worship of the Church of Rome to be idolatrous."

Motion was made and question proposed,

"That this House will resolve itself into a Committee of the whole House, to consider of that motion"

Whereupon the previous question,

"That the question be now put," was moved and negatived.

AUTHORITIES,

AND

ILLUSTRATIONS.

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AND

ILLUSTRATIONS.

By the Act of the fifth year of the reign of Queen Elizabeth, C. 1. Section 16, all Members of the House of Commons are to take the oath of supremacy, (the form of which oath, as altered by the 1st G. 1. S. 2. C. 13, is contained in the Speech, p. 22) before the

Lord Steward for the time being, or his Deputy or Deputies, for that time to be appointed, namely,

"5. Eliz. C. 1. S. 16. And be it further enacted, that every person which hereafter shall be elected or appointed a Knight, Citizen or Burgess, or Baron for any of the five Ports, for any Parliament or Parliaments hereafter to be holden, shall from henceforth, before he shall enter into the Parliament House, or have any voice there, openly pronounce the said oath (the oath of supremacy) before the Lord Steward for the time being, or his Deputy or Deputies for that time to be appointed: and that he

which shall enter into the Parliament House without taking the said oath, shall be deemed no Knight, Citizen, Burgess, nor Baron for that Parliament, nor shall have any voice, but shall be to all intents, constructions and purposes, as if he had never been returned nor elected Knight, Citizen, Burgess, or Baron for that Parliament, and shall suffer such pains and penalties, as if he had presumed to sit in the same without election, return, or authority."

By the following clause Temporal Lords are exempted from taking the oath of supremacy.

" 5. Eliz. C. 1. S. 17. Provided alway, that forasmuch as the Queen's Majesty is otherwise sufficiently assured of the faith and loyalty of the Temporal Lords of Her High Court of Parliament; therefore this Act, nor any thing therein contained, shall not extend to compel any Temporal Person, of or above the degree of a Baron of this realm, to take or pronounce the oath aforesaid, nor to incur any penalty limited by this Act, for not taking, or refusing the same; anything in this Act to the contrary notwithstanding."

By the Act of the 7th year of

King James the First, Chapter 6, Section 8, the oath of allegiance is ordered in like manner, to be taken before the Lord Steward, or his Deputy or Deputies, by Members of the House of Commons, before they come into the House,

An Act for administering the Oath of Allegiance, &c.

" 7 James 1. C. 6. S. 8. And all and every the Knights, Citizens, Burgesses and Barons of the five Ports of the Commons House of Parliament, at any Parliament or Session of Parliament hereafter to be assembled, before he or they shall be permitted to enter into

the said House, before the Lord Steward for the time being, or his Deputy or Deputies."

By the following clause of the same Act, Peers are required to take the oath of allegiance, but it is not stated as a qualification for sitting in the House of Lords,

" 7 James 1. C. 6. S. 4. And all and every person or persons of or above the degree of a Baron of Parliament, or Baroness of this Your Highness Realm of England, and all of Your Highness Privy Council residing in London or Westminster, or within thirty miles thereof, and the Presidents

of Wales, and the North Parts, before any four of Your Highness Privy Council, whereof the Lord Chancellor, Lord Treasurer, Lord Privy Seal, or Principal Secretary of State for the time being, to be one: and if such person or persons live and reside in the country distant above thirty miles from London, then before the Lord Bishop of the diocese, or such other person or persons as the Lord Chancellor or Lord Keeper of the Great Seal for the time being shall thereto by writ of *dedimus potestatem* authorize."

The following is now the form

of the oath of allegiance, as altered by the 1st G. 1. S. 2. C. 13.

"I A. B. do sincerely promise and swear, that I will be faithful; and bear true allegiance, to His Majesty King George. So help me God."

These oaths of allegiance and supremacy are now twice taken by Members of the House of Commons, the first time as above directed before they go into the House, the former acts not having been repealed.—The second time at the table of the House, as directed by the Act of the 30th

year of the reign of King Charles the Second, Statute the second, which Act directs,

"That no person that now is or hereafter shall be a Peer of this Realm, or Member of the House of Peers, shall vote, or make his proxy in the House of Peers, or sit there during any debate in the said House of Peers; nor any person that now is, or hereafter shall be a Member of the House of Commons, shall vote in the House of Commons, or sit there during any debate in the said House of Commons after their Speaker is chosen; until such Peer or Member, shall from time

to time respectively, and in manner following, first take the several oaths of allegiance and supremacy, and make, subscribe, and audibly repeat this declaration following: (which declaration is to be found at page 15.)

"30 Charles 2. Statute 2. S. 4. "Which oaths and declaration shall be in this and every succeeding Parliament, solemnly and publickly made and subscribed betwixt the hours of nine in the morning and four in the afternoon, by every such Peer and Member of the House of Peers, at the table in the middle of the said House, before he take

his place in the said House of Peers, and whilst a full House of Peers is there with their Speaker in his place ; and by every such Member of the House of Commons, at the table in the middle of the said House, and whilst a full House of Commons is there duly sitting with their Speaker in his Chair ; and that the same be done in either House in such like order or method as each House is called over by respectively."

By the act of the 13th year of the reign of King William the Third, every Member is likewise to take and subscribe the oath of abjuration at the table, at the same

time that he takes the oaths of allegiance and supremacy, and makes, subscribes, and audibly repeats the declaration required by the 30th Charles the Second,

13 W. 3. C. 4. S. 10. "And be it further enacted by the authority aforesaid, that no person that now is or hereafter shall be a Peer of this realm, or Member of the House of Peers, shall vote or make his proxy in the House of Peers, or sit there during any debate in the said House of Peers; nor any person that now is, or hereafter shall be a Member of the House of Commons shall vote in the House of Commons, or sit

there during any debate in the said House of Commons, after their Speaker is chosen, until such Peer or Member shall from time to time respectively take the oath aforesaid, and subscribe the same in manner following (that is to say), the said oath shall be in this and every succeeding Parliament solemnly and publickly made and subscribed, between the hours of nine in the morning and four in the afternoon, by every such Peer and Member of the House of Peers, at the table in the middle of the said House, before he take his place in the said House of Peers, and whilst a full House of Peers is there, with their

Speaker in his place; and by every such Member of the House of Commons, at the table in the middle of the said House, and whilst a full House of Commons is there duly sitting, with their Speaker in his Chair.

The 11th clause of the same Act contains the penalties on neglect of taking the said oath of abjuration.

The said oath of abjuration was altered to the following by the 6th G. 3. Chapter 53, which is the one now in force,

I A. B. do truly and sincerely

acknowledge, profess, testify, and declare, in my conscience, before God and the world, that Our Sovereign Lord King George is lawful and rightful King of this realm, and all other His Majesty's dominions and countries thereunto belonging. And I do solemnly and sincerely declare, that I do believe, in my conscience, that not any of the descendants of the person who pretended to be Prince of Wales, during the life of the late King James the Second, and, since his decease, pretended to be, and took upon himself the style and title of King of England, by the name of James the Third, or of Scotland by the

name of James the Eighth, or the style and title of King of Great Britain, hath any right or title whatsoever to the Crown of this realm, or any other the dominions thereunto belonging: And I do renounce, refuse and abjure, any allegiance or obedience to any of them. And I do swear, that I will bear faith and true allegiance to His Majesty King George, and Him will defend to the utmost of my power, against all traitorous conspiracies and attempts whatsoever, which shall be made against his Person, Crown, or Dignity. And I will do my utmost endeavour to disclose and make known to His Majesty, and

his successors, all treasons and traitorous conspiracies which I shall know to be against Him, or any of them. And I do faithfully promise, to the utmost of my power, to support, maintain, and defend, the succession of the Crown, against the descendants of the said James, and against all other persons whatsoever, which succession, by an Act, intituled, *An Act for the further Limitation of the Crown, and better securing the Rights and Liberties of the Subject*, is and stands limited to the Princess Sophia, Electoress and Duchess Dowager of Hanover, and the Heirs of Her Body, being Protestants. And all these things

I do plainly and sincerely acknowledge and swear, according to these express words by me spoken, and according to the plain common sense and understanding of the same words, without any equivocation, mental evasion, or secret reservation whatsoever. And I do make this recognition, acknowledgement, abjuration, renunciation, and promise, heartily, willingly, and truly, upon the true faith of a christian."

(Page 12) The following is the declaration against transubstantiation, by the 25th Charles the Second, C. 2. S. 9. which, after

receiving the sacrament according to the usage of the established Church, and taking the oaths, is directed to be made and subscribed before, or within a limited time after entering upon offices and places of trust, by that Act, and by the 1st of William and Mary, C. 8, &c.

"I A. B. do declare, that I do believe, that there is not any transubstantiation in the sacrament of the Lord's supper, or in the elements of bread and wine, at or after the consecration thereof by any person whatsoever."

(The operation of these two

last mentioned acts is partly done away by the late act of the 57th George 3. C. 92. exempting officers before entering into His Majesty's land and sea forces from taking the oaths and making the declaration, and partly by the act of indemnity, which has been for many years annually passed.)

Extracts from the Life of James the Second, King of England, &c.

Published from the Original Stuart Manuscripts in Carlton House, By the Rev. J. S. *Clarke,* L. L. B. F. R. S. *Historiographer to the King, Chaplain to the Household, and Librarian to the Prince Regent.*

Vol. 1. p. 483. "The suspicion of the Duke of York's having changed his religion, which his enemies were not slow in spreading about, gave them but too fair an opportunity of venting with success their malice against him, which hitherto had proved ineffectual; for by this means they got him at last out of all his

commands, and out of all business, by procuring (March 29th), under the pretence of securing the Protestant religion, the form of a test or declaration to be passed in Parliament, such as no Roman Catholic could in conscience take or make; and it was further enacted, that no person whatsoever should be capable of any employment, civil or military, that did not take or make the said test or declaration."

Vol. i. p. 484. "This new test had the same effect on the Lord Clifford, in outing him (June 19th) of the place of Lord Treasurer of England, and of being any longer

a Privy Councellor ; who *though a new convert*, generously preferred his conscience to his interests."

Vol. ii. page 80. " This made every step of that nature be conceived as an incroachment, if not upon religion, at least upon the laws, of which kind none stuck more with them than the admitting Catholics into the army, which was conceived to be an absolute breach of the Test Act ; by which all persons, besides taking the oaths, were obliged, under the penalty of forfeiting five-hundred pounds, to receive the sacrament, according to the rites of the Church of England,

within six months after their admission into any employment civil or military; but the King imagined to himself that Act was not binding upon him; and one great inducement not to boggle at dispensing with it, was his calling to mind that, in the late King's time, after his return from Scotland, and that he began to be much employed in his business, Mr. Herbert, then Chief Justice of Chester, told him, that if he desired to re-enter into his former employment, he could make it appear it was in the King's power to dispense with the Test Act; upon which my Lord Chief Justice Jeffreys was discoursed

with on the point, who agreed it might be done, only differed in some law terms no ways material, which happening before His Majesty's accession to the throne, could not be presumed to come from partiality or interest; however he was resolved to sift that point to the bottom, on which so much depended, and for that end convened the Twelve Judges in the Exchequer chamber, whom he took to be at all times, and especially in the recess of Parliament, the undoubted interpreters of the sense and purport of their acts; to them therefore it was proposed, whether the King might dispense with any

man's taking the oaths and test, before he was admitted to hold any office or place of trust in the kingdom; who, after a solemn debate, agreed unanimously (all but one) that the King was an independent Prince, that the laws of the kingdom were the King's laws, that the Kings of England might dispense with all laws that regarded penalties and punishment, as oft as necessity required, and were themselves judges of the necessity when such dispensations were expedient; and lastly, that the Kings of England could not renounce the prerogatives annexed to the Crown."

"This clear decision in the King's favour (whatever cavils or exceptions might be made to it by learned men in the law), His Majesty took to be a full vindication of his proceedings; he had no other rule to go by, nor no other oracle to apply to for exposition of difficult and intricate points; however, to set things if possible in a clearer light, and that no pretence might be taken of its being surreptitiously obtained, the matter was judicially tried in Sir Edward Hales's case, against whom an action was brought on the statute of the 25th Car. 2. C. 2. for the penalty of five-hundred pounds, on account of his

executing the office of a Colonel of foot, without taking the communion, oaths, and test; to which the defendant pleaded, he had a dispensation under the Broad Seal, to act, *non obstante* the statute: to this the plantiff demurred, and in conclusion judgment was given for the defendant, that his plea was good."

"My Lord Chief Justice Herbert, before whom this cause was brought, besides his eminent learning and known integrity, sufficient to free him without other proof from the censure of partiality, however, for his further vindication, when he found

the world alarmed at it, published his reasons, with some of the many citations and examples he might have brought from the law books; which put the matter so far beyond dispute, that all the erudition of his adversaries, or malice of his detractors, could never furnish them with the least colour of a reply. 'Tis true, he separates the case which had been brought before him, from the declaration for liberty of conscience, because he ties himself up to his own personal defence; but the authorities he brings, are as applicable to one as the other; and because this raised so great a clamour against the King, as was urged as

a main argument for the people's defection afterwards, it is necessary for His Majesty's vindication to show, how unjustly he was aspersed and traduced on this account, by citing some of the reasons he went upon ; by which it will appear, that the actions of the best and most cautious princes, are seldom so well warranted as this appeared to be."

" My Lord Coke says, it was ever held an unquestioned axiom in the law, that evils that are only such because they are prohibited, may be dispensed with by the King ; ' for in as much (says the book) as an Act of Parliament

which generally prohibits any thing upon a penalty, which is popular, or only given to the King, may be inconvenient to divers particular persons, in respect of persons, time, and place, for this reason the law gives a power to the King to dispense with particular persons:' It is certain, there is no law whatever, but what may be dispensed with by the law giver. God himself dispensed with his own law when he commanded Abraham to sacrifice his son; but as for human laws, since they may be too wide or too narrow, and that it is impossible to foresee all inconveniences, nothing can be more

reasonable, than that a power should be vested in the Prince to dispense with certain laws, which relate only to government, and prohibit things which are not *mala in se.*"

"This power is no where more fully determined and established than in the year book of Henry the Seventh, (fol. 11 and 12). 'There is a diversity (says it), betwixt *malum prohibitum*, and *malum in se*, as the statute forbids any man to coin money; if he does he shall be hanged; this is *malum prohibitum;* for before the statute, coining of money was lawful, but now it is not so; and

therefore the King may dispense with it, but cannot give a man leave to kill another, because it is *malum in se ;* and yet the King may pardon that too ;' which shews the difference betwixt pardons and dispensations ; the former only remits the penalty due to the fault, the other gives a right and power to do what is otherways prohibited ; from whence it followed, that since it was lawful for any man before the statute, to bear an office without taking the test, &c., therefore the King's dispensation made it lawful for Sir Edward Hales to bear one since."

" The case of Sheriffs, which

was also resolved by all the Judges in Henry the Seventh's time, is still, if possible, a stronger proof of the legality of what the King did; the statute disables the party to take, and the King to grant it; enacts that no man shall be Sheriff above a year; that all letters patents in that case made for life or years, shall be void; that no *non obstante* shall make it good; and that whoever acts by colour of such letters patents, shall forfeit two hundred pounds; that he shall ever after be disabled from being Sheriff; and lastly, that every pardon for such offence shall be void. Here is a *non obstante* obviated, a penalty granted,

the person disabled, and the very pardon annulled; yet notwithstonding all this, it was determined by all the Judges of England, that the King's dispensation with that Statute was good; and a grant made to the Earl of Northumberland to be Sheriff during life, was accounted valid by virtue thereof, and was ever cited as a judged case by Fitz Herbert, Plowden, &c."

But my Lord Coke, whose authority cannot be suspected as too favourable to the prerogative, sets this matter in a more perspicuous light, "No act (says he) can bind the King from any pre-

rogative which is sole and inseparable to his person, but that he might dispense with it, by a *non obstante;* as for example, a sovereign power to command any of His Subjects to serve him for the publick weal; and this is solely and inseparably annexed to his person; and this royal power cannot be restrained by any Act of Parliament neither in *thesi* nor in *hipothesi*, but that the King by his royal prerogative might dispense with it; for upon the commandment of the King and obedience of the Subject does his government consist, as it is provided by the statute of the 23d of Henry the Sixth, Chapter 8, that

all patents made, or to be made of any office, as of Sheriff, &c., for term of years or life in fee simple or intail, are void and of no effect, &c.: yet the King, by his royal Sovereign power of commanding, may command any man, by his patent (for such causes as he in his wisdom does think fit, meet and profitable for himself and the common weal, and of which he himself is solely judge) to serve him and the weal publick as Sheriff of such a county for years or for life, &c., and so it was resolved by all the Judges of England in the Exchequer chamber, 2. H. 7." The same is said to a Welshman's being Justice, &c.

in Wales, notwithstanding it is prohibited by the Act, and the like was resolved also by all the Judges of England in Calvin's case; the Act of Parliament, the 8. R. 2. 2. which orders that no man shall be Judge of Assize in his own country; and that of the 10th E. 3. 3. that whoever has a pardon for felony shall find sureties for his good behaviour, or the pardon shall be void, have been constantly dispensed with accordingly as occasion required."

"Those therefore who stood up in the King's defence, urged, that besides the general reasons for dispensations with penal laws,

this particular one, of hindering the King from making use of His Subject's service, ought more particularly to be insisted on, as confirmed by constant practice of all times; and that it was not possible to shew any disparity betwixt these cases and the King's making use of his Catholic subjects in the manner he thought fit to do it; if therefore the King (said they) was led into an error in point of law, it was all the Judges in England that led him into it; and if they erred, it was the solemn consultations and resolutions of their predecessors, and the reports of the most eminent men of that profession, that made

them err; and if such reports and resolutions be not law, what ground had Judges to stand upon? But what (they said) put the matter beyond all reply, was the clear concession of the Commons of England in the very point in question; in Henry the Fifth's time, the Commons prayed that the statute for voiding aliens out of the kingdom might be executed; to which the King agreed, saving his prerogative that he might dispense with whom he pleased; and upon this the Commons answered, that their intent was no other nor ever should be, by the Grace of God; and yet, as my Lord Chief Justice

Herbert observed, there was more danger of inconvenience from aliens in those days, than from Roman Catholicks now; the same was done in reference to the Statute of Provisors. But they alledged, that the clearest concession, and that in a time when the Parliament assumed the greatest authority, was in the third year of King Charles the First, in the debate betwixt the two Houses about the Petition of Right, where Mr. Glanvill, a learned man, of himself, but on that occasion speaking the sense of the House of Commons, in a business debated (as he said) with the greatest gravity and solemnity, with the

greatest concurrence of opinions and unanimity that ever was; then coming to the point, delivers the sense of the Commons in these words, "There is a trust inseparably reposed in the person of the Kings of England, but that trust is regulated by Law; for example, when statutes are made to prohibit things not *mala in se*, but only *mala quia prohibita*, under certain forfeitures and penalties to accrue to the King and to the informers, that shall sue for the breach of them, the Commons must and ever will acknowledge, the Regal and Sovereign prerogative of the King, touching such statutes, that it is in His Majesty's

absolute and undoubted power to grant dispensations to particular persons, with the clause of *non obstante*, to do as they might have done before those Statutes, wherein His Majesty conferring grace and favour on some, doth no wrong to others: but there is a difference between those Statutes, and the Laws and Statutes whereon the Petition is grounded; by those Statutes the subjects have no interest in the penalties, until by suit or information commenced, he become entitled to the particular forfeitures; whereas the Laws and Statutes mentioned in our Petition, are of another nature; there shall Your Lord-

ships find us to rely upon the good old Statute called Magna Charta, which declareth and confirmeth the antient common Laws of the Liberties of England, &c.... Laws not inflicting penalties upon offenders *in malis prohibitis*, but Laws declarative or positive confirming, *ipso facto*, an inherent right and interest of liberty and freedom in the subjects of this realm, as their birthrights, and inheritances descendable to their heirs and posterity ; Statutes incorporated into the body of the Common Law, over which (with reverence be it spoken), there is not trust in the King's Sovereign power or Prerogative Royal to

enable him to dispense with it, &c."

"This instance, besides the proof of the point in question, was urged in answer to that clamourous objection, that if the King could dispense with one law he might with another, and so with all; for he distinguishes in the first place, Laws that concern government, from Laws that concern property; secondly, those Laws that either prohibit *mala in se*, or that give and confirm a right to each particular subject: it is true, in some of those statutes, which the King may dispense with, there is a penalty to

the informer, but he has no right to it until after conviction, which a dispensation prevents, as Glanvill himself observes; but said they, should the King dispense with them all, what a miserable condition would the nation be in? To which it was answered, that nothing was more unreasonable than the possible abuse of a thing to draw an argument against the thing itself; that no one doubted but the King could pardon a robbery and murther; but should he pardon all robbers and murtherers, one had better live with canibals than in England; that the King could create a Peer, but should he make every man in

England a Peer, he would destroy the legislative power: so that there was a high trust reposed in the King, which it was reasonable to believe he never would make an unreasonable use of; for that there was no one point of his prerogative, but might be abused to the ruin of the people in case the King was so minded; in fine, since all agreed that the King might dispense with laws that prohibit things that are not evil in themselves, they saw no reason (they said) how he could be restrained by any Act of Parliament, either from making use of his subjects, or be deprived of any Royal prerogative annexed

to his person. These and many other arguments were insisted upon to vindicate the King from having acted either arbitrarily, or rashly, and to stop the clamours of prepossessed and angry men, who pretended that this Test Act was the only bulwark against Popery, and the sole preservation of Religion, which being dearer to them than their lives and liberties, was as sacred as Magna Charta itself; but others answered, that these were only big words to strike terrour and inflame the giddy multitude; for if this law (said they) was the only support of the Protestant Religion, how did it subsist before

in former reigns? When Catholics were both more numerous, and nearer the time of the first reform, and that yet they were not wholly restrained from publick employments, not even the Council itself; hence they inferred, that those scatterers of fears and jealousies amongst the people, had more hopes of success from the temper of the nation, than any reason or solid ground of suspicion, there being no probability of a kingdom's being enslaved by a few Catholics, though in employment; or by a Prince, of whom his subjects entertained an inveterate apprehension, even before his accession to the Throne?

or that a handful of Papists could endanger the religion and property which millions of Protestants were the keepers of."

Thus each party reasoned in this matter, rather in private and amongst themselves, than in publick or bare-faced, the discontented party having yet so much deference for the King, as not openly to decry his conduct; though they soon lost that respect, being heated with other disputes, which the King had the misfortune to give rise to soon after; wherein by his too great attention to what might in rigour be warranted by the law, he lost sight of

the danger, which the pressing points disagreeable to the people is ever sure to bring upon a Prince, whether they be justifiable or no."

Extract from Memoirs illustrative of the Life and Writings of John Evelyn, Esq. F. R. S. Author of the Sylva, &c.;

Comprising his Diary, from the Year 1641 *to* 1705-6. *London, printed for Henry Colbourn, Conduit-street,* 1818.

Vol. i. page 437. "19th June, 1673. Congratulated the new Lord Treasurer, Sir Thomas Osborne, a gentleman with whom I had been intimately acquainted at

Paris, and who was every day at my father-in-law's house and table there, on which account I was too confident of succeeding in his favour, as I had done in his predecessor's; but such a friend shall I never find, and I neglected my time, far from believing that my Lord Clifford would have so rashly laid down his staff as he did, to the amazement of all the world, when it came to the test of his receiving the communion, which I am confident he forbore more from some promise he had entered into to gratify the Duke, than for any prejudice to the Protestant Religion, though I found him wavering a pretty while."

25th June 1673. I went to Tunbridge Wells to visit my Lord Clifford, late Lord Treasurer, who was there to divert his mind more than his body; it was believed that he had so engaged himself to the Duke, that rather than take the Test, without which he was not capable of holding any office, he would resign that great and honourable station. This I am confident grieved him to the heart, and at last broke it; for though he carried with him musick and people to divert him, and when I came to see him, lodged me in his own apartment, and would not let me go from him, I found he was struggling in his

mind, and being of a rough and ambitious nature, he could not long brook the necessity he had brought on himself of submission to this conjuncture."

Extracts from Hume's History of England, Octavo Edition, Vol. 8 *Page* 200.

"In 1684, the Duke of York, contrary to law, was restored by King Charles the Second to the office of High Admiral, without taking the Test."

Page 241. (note) "It is remarkable, that the Convention summoned by the Prince of

Orange, did not, even when they had the making of their own terms in *The Declaration of Rights*, venture to condemn the dispensing power in general, which had been usually exercised by the former Kings of England. They only condemned it so far, *as it had been assumed and exercised of late.* But in the *Bill of Rights*, which passed about a twelvemonth after, the Parliament took care to secure themselves more effectually against a branch of prerogative, incompatible with all legal liberty and limitations; and they excluded in positive terms all dispensing power in the Crown. Yet even then the Lords rejected that clause

of the bill, which condemned the exercise of this power in former Kings, and obliged the Commons to rest contented with abolishing it for the future. There needs no other proof of the irregular nature of the old English Government, than the subsistence of such a prerogative, always exercised and never questioned, till the acquisition of real liberty discovered, at last, the danger of it."

(Page 30) Dispensations by *non obstante*, are made void by the following clause in the Bill of Rights, with a proviso in the next clause.

1. W. and M. Session 2. Chapter 2. S. 12. "And be it further declared and enacted by the authority aforesaid, that from and after this present Session of Parliament, no dispensation by *non obstante* of or to any Statute, or any part thereof, shall be allowed, but that the same shall be held void and of no effect, except a dispensation be allowed of in such Statute, and except in such cases as shall be specially provided for by one or more bill or bills to be passed during this present Session of Parliament."

Section 13. "Provided that no Charter or Grant, or Pardon,

granted before the three and twentieth day of October in the year of Our Lord One Thousand Six Hundred and Eighty-nine, shall be any ways impeached or invalidated by this Act, but that the same shall be and remain of the same force and effect in Law, and no other, than as if this Act had never been made."

(Page 35.) Extract from the Speech of the Right Hon. Robert Peel, on the Catholic Question, in the House of Commons, on Friday 9th May, 1817. *Printed for John Murray, Albemarle-street, page* 34.

"The bill then proceeds to admit the Roman Catholic to Parliament, and how does it provide

for his admission? It leaves the oaths which are to be taken by the Protestant Member the same as it found them. He is still to advance to the table, and to take oaths disclaiming as pernicious and damnable, doctrines which are imputed by implication to his Roman Catholic colleague; and he is not merely to disavow these political doctrines, *but he is to abjure certain spiritual tenets of the Catholic faith as superstitious and idolatrous.* Having heard the insulting disclaimer of the Protestant, the Roman Catholic Member will then advance, and an oath is to be administered to him."

(Page 39) Extracts from the French Translation of the Explanation of the Catechism of the Greek-Russian Church.

" *Seconde Partie. De la Foi de l'Evangile.*"

" *Article 34.*"

" L'eucharistie, ou la sainte communion, est un sacrement, dans le quel le fidèle reçoit le vrai corps de Jésus Christ sous l'espèce du pain, et son vrai sang sous l'espèce du vin pour la rémission des péchés, et pour la vie éternelle."

" Chaque vrai chrétien doit fermement se persuader, qu'il

reçoit dans ce sublime sacrement non pas du pain, ni du vin simplement, mais qu'il reçoit sous l'espèce de ce pain sacré le vrai corps de Jésus Christ, qu'il a offert en sacrifice sur la croix pour notre rédemption ; qui a été rompu comme du pain par les différens tourmens ; qu'il reçoit, aussi sous l'espèce de ce vin sacré le vrai sang de Jésus Christ, qui a coulé de ses sacrées playes, et qui a lavé tous nos péchés. Car le Seigneur en donnant du pain à ses disciples dit, *ceci est mon corps*, et en donnant du vin, *ceci est mon sang ;* donc l'homme par cette communion devient un esprit avec lui ; *Car celui qui mange ma*

chair, et boit mon sang demeure en moi et je demeure en lui, dit le Seigneur. Jean 6. 56."

Car l'homme en recevant Jésus Christ en lui, reçoit aussi la source de la grace. *Si vous ne mangez la chair du fils de l'homme, et ne buvez son sang, vous n'aurez pas la vie en vous.* Jean 6. 53."

Troisième Partie. De la Loi Divine."

" *Article* 5."

" Le premier commandement enseigne de reconnoître de coeur, et de confesser de bouche qu'il y a un seul Dieu, et de croire ses

propriétés divines comme la parole divine nous en instruit."

" Nous ne transgressons pas ce commandement, quand nous invoquons les Saints ; car cette invocation des Saints selon l'esprit de notre Eglise Orthodoxe est très différente de l'invocation de Dieu. Nous invoquons Dieu et notre Sauveur Jésus Christ comme le suprême Seigneur et le conservateur tout-puissant de toutes choses, et nous n'invoquons les saints que comme ses ministres, qui sont avec lui pour jouir du bonheur éternel." " Par cette invocation on n'exclue pas la médiation de Jésus Christ ; car elle est le

fondement perpétuel et le plus nécessaire de nos prières, ainsi que l'assistance des Saints."

Article 6.

" Le second commandement défend l'idolatrie, et toute manière prohibée dans le culte divin."

"Nous ne péchons pas contre ce commandement, quand nous ornons nos temples d'images saintes selon l'ancienne coutume chrétienne, puisque nous ne faisons pas représenter sur les images Dieu invisible, et incirconscrit, et nous ne le pouvons pas ; mais nous y représentons notre Sauveur dans la figure humaine qu'il a prise,

ainsi que les Saints. 2. On fait des images, et on les met dans les Eglises non pour les faire déifier, mais pour la commémoration des oeuvres de Dieu, et de ses saints serviteurs, à fin qu'en les regardant, par exemple, le Seigneur crucifié, nous excitions notre esprit à la piété, ou à l'imitation de quelques oeuvres."

"Et il faut sçavoir, que l'adoration que nous faisons devant l'image du Sauveur, et devant l'image de quelque Saint, quoiqu' en apparence elle soit conforme et semblable, cependant en effet il y a une très grande différence. Car l'adoration devant l'image du

Sauveur consiste dans la soumission très profonde d'esprit comme au Seigneur, et au créateur de toutes choses : mais l'adoration que nous faisons devant les images des Saints, est un respect, que nous leur rendons de notre amour comme à ses serviteurs, et comme aux membres d'un corps qui nous unit par la nature, et par une seule société, qui est l'Eglise."

Extract from Reflections, with a View to accommodate Religious Differences, and to promote the Unity of Religion in the Bond of Peace.

By Samuel Wix, A. M. F. R. and A. S. Vicar of St. Bartholomew the Less, London. Printed for F. C. and J. Rivington, No. 62, St. Paul's Church Yard, and J. Hatchard, No. 190, Piccadilly, 1818. *Page* 14.

"Among the errors which are commonly objected against the Church of Rome, are Transubstantiation, and the invocation of Angels and departed Saints. These are the grand sources of many other errors, as the Church

of England considers them, of the Romish Church. But here surely if a proper Christian temper on both sides were cultivated, mutual advances to conciliation might be made."

"The words of our Saviour, who, "as they were eating, took bread and blessed it, and brake it, and gave it to his disciples, and said, Take, eat, this is my body," and who, also "took the cup, and gave thanks, and gave it to them, saying, Drink ye all of it, for this is my blood of the New Testament," are mysterious, and are differently understood by some of the most pious and most learned

Members of the Church of England. While some consider the Sacrament, thus instituted by our blessed Lord, simply as a memorial, others understand the words in a sense which induces them to believe, that, when they receive the consecrated elements, they do more than barely commemorate the Death and Passion of Christ; and some conceive that, in the administration of the Eucharist, a solemn sacrifice is offered. But, who shall say the precise point at which our faith should stop, in our humble adorations at the altar? Here each individual, according to the spirit of our tolerant Church, must be left to

judge for himself; and the Roman Catholic seems, in some degree, warranted in the language with which he adverts to the real presence of Christ in the Sacrament, by the words of our Saviour, "Take, eat, this is my body;" by the words of St. Paul, "The cup of blessing which we bless, is it not the communion of the blood of Christ? The bread which we break, is it not the communion of the body of Christ?" and by the answer in the Church of England Catechism, to the question relating to the Sacrament; "What is the inward part or thing signified?" which answer is, "The body and blood of

Christ, which are *verily* and *indeed* taken and received by the faithful in the Lord's Supper." On this, as on various other occasions, of divine mystery, it becomes us devoutly to pray with the father in the Gospel, who would benefit from a belief in the almighty power of Jesus; "Lord, I believe; help thou my unbelief;" Mark 9. 24. And, having offered up this prayer, to adopt the language of Scripture, and, as nearly as we can ascertain it, the language of the earliest Christian professors, humbly aspiring after that belief which the language was intended to command, and judging, at the same time, with

all meekness and charity, of the opinions of our brethen of like weakness with ourselves, and never allowing different shades of opinion on matters above our comprehension, to lead to schism in the Church of Christ."

" Another practice of the Church of Rome, considered as fundamentally erroneous by the Church of England, is, her addressing prayers to angels and departed saints. But these prayers should be understood to be addressed, as they are by the Romish Church, not to the Angels or Saints, as possessing in themselves any godlike authority, or power,

but as intercessors for good on our behalf to God and our Saviour. Prayers to Angels and departed persons, thus considered, are unchargeable with being idolatrous, as offered to beings inferior to God for divine help; and prayers offered for intercession to these pious persons, now supposed to be in the presence of God, in an humble sense of our own unworthiness to approach at once the Godhead, are offered in a feeling, which, however it may have been abused, and certainly it has been greatly abused, does not call for unmingled censure, nor need be fatal to the union so much desired. For the abuses have

been as much censured by the Roman Catholics themselves, as they have justly been by Protestants."

"There are other practices of the Church of Rome; which, however erroneous, they are supposed to be, have been greatly misrepresented, and referred to principles which the Roman Catholic himself does not acknowledge. Thus, the praying *before* a Crucifix has been uncandidly represented as idolatrously praying *to* a Crucifix. The frequent signing with the sign of the Cross, the use of consecrated Water, the bowing at the altar, all

these have been denominated superstitious, and sometimes worse; whereas they are, in reality, ceremonies harmless in themselves, which may be either beneficial, or otherwise, as they are used properly, or as they are abused."

"These, however, were practices which were bitterly inveighed against during the heat of the Reformation, when the Members of the Church of Rome and the Protestants, had mutually irritated each other, and were neither in a temper to come to any harmonious conclusion."

(Page 44) *Article the Twenty-eighth of the Religion of the United Church of England and Ireland.*

Of the Lord's Supper.

" The Supper of the Lord is not only a sign of the love that Christians ought to have amongst themselves one to another; but rather is a Sacrament of our Redemption by Christ's death: insomuch that to such as rightly, worthily, and with faith receive the same, the Bread which we break is a partaking of the Body of Christ, and likewise the Cup of Blessing is a partaking of the Blood of Christ.

" Transubstantiation (or the change of the substance of bread and wine) in the Supper of the Lord cannot be proved by Holy Writ, but is repugnant to the plain words of Scripture, overthroweth the nature of a Sacrament, and hath given occasion to many superstitions.

The Body of Christ is given, taken, and eaten in the Supper, only after a Heavenly and Spiritual manner. And the mean, whereby the Body of Christ is received and eaten in the Supper, is Faith.

The Sacrament of the Lord's

Supper was not by Christ's ordinance reserved, carried about, lifted up, or worshipped."

Extract from a Speech of the Right Honourable Edmund Burke, in the House of Commons, in the Year 1773.

From the 10*th Volume of his Works, page* 37. *Octavo Edition.*

" At the same time that I would cut up the very root of Atheism, I would respect all conscience; all conscience, that is really such, and which perhaps its very tenderness proves to be sincere. I wish to see the Established Church of England great and powerful;

I wish to see her foundations laid low and deep, that she may crush the giant powers of rebellious darkness; I would have her head raised up to Heaven to which she conducts us. I would have her open wide her hospitable gates by a noble and liberal comprehension; but I would have no breaches in her wall; I would have her cherish all those, who are within, and pity all those, who are without; I would have her a common blessing to the world, an example, if not an instructor, to those, who have not the happiness to belong to her; I would have her give a lesson of peace to mankind, that a vexed

and wandering generation might be taught to seek for repose and toleration in the maternal bosom of Christian Charity, and not in the harlot lap of Infidelity and indifference. Nothing has driven people more into that house of seduction than the mutual hatred of Christian congregations. Long may we enjoy our Church under a learned and edifying episcopacy! But episcopacy may fail, and religion exist. The most horrid and cruel blow, that can be offered to civil society, is through atheism. Do not promote diversity; when you have it, bear it; have as many sorts of religion as you find in your country; there

is a reasonable worship in them all. The others, the infidels are outlaws of the constitution; not of this country, but of the human race. They are never, never to be supported, never to be tolerated. Under the systematic attacks of these people, I see some of the props of good government already begin to fail; I see propagated principles, which will not leave to religion even a toleration. I see myself sinking every day under the attacks of these wretched people. How shall I arm myself against them? By uniting all those in affection, who are united in the belief of the Godhead, that made and sus-

tains the world. They who hold Revelation, give double assurance to their country. Even the man, who does not hold Revelation, yet who wishes it were proved to him, who observes a pious silence with regard to it, such a man, though not a Christian, is governed by religious principles. Let him be tolerated in this country. Let it be but a serious Religion, natural or revealed, take what you can get; cherish, blow up the slightest spark. One day it may be a pure and holy flame. By this proceeding you form an alliance, offensive and defensive, against those great ministers of darkness in the world,

who are endeavouring to shake all the works of God established in order and beauty. Perhaps I am carried too far; but it is in the road, into which the Honourable Gentleman has led me. The Honourable Gentleman would have us fight this confederacy of the powers of darkness with the single arm of the Church of England; would have us not only fight against Infidelity, but fight at the same time with all the Faith in the world except our own. In the moment we make a front against the common enemy, we have to combat with all those, who are the natural friends of our cause. Strong as we are, we are

not equal to this. The cause of the Church of England, is included in that of Religion, not that of Religion in the Church of England. I will stand up at all times for the rights of conscience, as it is such, not for its particular modes against its general principles. One may be right, another mistaken; but if I have more strength than my brother, it shall be employed to support, not oppress his weakness; if I have more light it shall be used to guide, not to dazzle him."

Examples of Our Saviour and the Apostles for our Instruction.

Extract from Sermons on Faith, Doctrines, and Public Duties. By the very Reverend William Vincent, late Dean of Westminster. With his Life by the Reverend Robert Nares, Archdeacon of Stafford. Printed for Cadell and Davies in the Strand, 1817. *Page* 152.

" A third lesson of Instruction, which we may draw from this conduct, is, that it teaches us how to address those who differ with us in opinion."

" Christ neither rejects the Samaritans, with the insolence of his own countrymen, nor despises

them for their want of righteousness, nor reproaches them for their Idolatry. He takes advantage of such belief as they had, to convince them of higher truths; and He must necessarily presuppose their reception of the Books of Moses, as their foundation of their acknowledgment of the Messiah. He states indeed, their error in worshipping on Mount Gerizim, and declares that salvation is of the Jews; but not a reproach on their idolatry, nor a complaint of their enmity, not a word of their intermingled origin or descent falls from his mouth. To the law only He would refer them, and He would

instruct them as He taught the two disciples in the way to Emmaus, that is, beginning from Moses and expounding the Scriptures, He would show that such things ought to be, and that the Messiah ought to suffer and to enter into his glory."

" The same tenderness, the same caution, the same readiness to take advantage of circumstances, is visible in the conduct of the Apostles. Saint Paul barely hints to the Athenians that they are too superstitious, without any reproach of their idolatry; and then taking occasion from the accidental circumstance of their

having an altar erected to the unknown God, he proceeds upon their own principles to announce, *that God whom ye ignorantly worship, Him declare I unto you.*"

" In such examples is our instruction. We live surrounded with false brethren; with half believers; with those that believe merely the existence of God; and those who have no belief, no settled opinion at all. None but the last are hopeless; but *all*, we are to treat with gentleness, moderation, and attention. We are to commence our reasoning with them from the points they admit, in order to conduct them to the

truth; we are to exhort, to admonish, and to persuade; but finally to leave our hopes of success to the dispensation of God, and the influence of the Holy Spirit; but we are to consider it as our duty still to use the means of conviction, whether successful or not."

"To the Socinian, who denies the Divinity of Christ, we may oppose the language of the Gospel, which he admits in common with us; to the Jew, who rejects the Gospel, we may assert the evidence of the prophecies which he concedes; and to the Deist who denies all revelation, we

may plead the necessity of a Mediator, between God and man; the necessity of a revelation, from the instability of human judgment; and the necessity of a religion given by God, from the want of authority in man, and the total incapacity of man, as man, to establish any religion acceptable to God, or generally admissible by man."

"But to the weakness of all, charity is due; and when we have fulfilled the duty of persuasion, nothing more is left to us, than to pray that God will cause them to see their errors, and open their hearts to the truth;

and that we may be all finally, one fold, under one Shepherd, even Jesus Christ the righteous, blessed for ever."

Extracts from Essays, Religious and Moral.

By Isaac Hawkins Browne, Esq. late M. P. for Bridgnorth. London. Printed for T. Cadell and W. Davies in the Strand. 1817. *Page* 270.

"Let us, however, be very careful, that we never allow our faith to interfere with our charity; let us always remember, that Roman Catholics are Christians, heirs of the same common Salvation; and, as men are entitled to benevo-

lence and candour; that personal hatred must be unpardonable, however glorious the cause in which we are engaged; however just and necessary our exertions; however laudable our zeal."

"Page 97. "The uncharitable are equally unwilling to oblige and be obliged. The charitable are as ready to receive as to confer an obligation. The mutual interchange of these kind offices, affords a much higher pleasure than the real good which is imparted. There is no social joy which we can experience, equal to that which consists in bestowing favours, and in receiving them

with a grateful heart. There is no social joy which this world affords, more descriptive of heavenly felicity, or a more certain anticipation of it. As the grateful acknowledgment of benefits conferred, or the grateful sensation of them in our hearts, is as substantial a delight as the benefactor himself can feel, the powerful and the weak, the rich and the poor, the prosperous and the unfortunate, although removed from each other by the widest separation in external circumstances, may not only be equally happy, but the obliged may have still warmer affections than the obliger, and the warmer our be-

nevolent feelings are, the higher will be our felicity."

Page 59. " The two great principles of human nature, in its utmost purity, are self-love and benevolence. The former does not more impel us to pursue our own happiness, than the latter excites us to *do good to all men, as we have opportunity*, to our relations and friends, to those with whom we most associate, or are most connected, to our country, and to mankind."

" If we *love our neighbours as ourselves*, we shall be as earnest in our endeavours to promote

their happiness, as our own. If we are truly benevolent, we shall feel our happiness identified with theirs; every desire therefore of temporal good, which we may indulge for ourselves, we shall extend to each individual of the human race, as far as it is possible for our thoughts to enter into his concerns. If we wish our own country to be enlightened and free, we shall desire, that the same blessings may be enjoyed by every country in the world. If we are anxious for our own health and competence, for our own freedom from pain, protection from danger, or deliverance from affliction, we shall feel a similar

solicitude, that those whom we love shall share the same felicity. We shall be conscious, that those emotions of philanthrophy are pleasing in the sight of God, and that we cannot perform a service more acceptable to him, than by supplicating for others all those blessings which we desire for ourselves."

"All the considerations I have enumerated, are such as reason dictates; but they are strongly confirmed by revelation, which has greatly enlarged our sphere of devotion, and afforded, by the promulgation of evangelical truth, new and ample themes of adora-

tion, praise, and thanksgiving. The efficacy of prayer, as far as it is proved by the nature of things, and by experience, is within the scope of natural religion: but it is much more fully discovered by revelation, which assures us of pardon of sin upon repentance through the merits and mediation of our blessed Saviour; which promises us the assistance of the Holy Spirit in all our devotions, and in our sincere endeavours to advance in a constant progress towards moral and religious excellence,—which teaches us to pray for temporal as well as for spiritual blessings,—which commands us to supplicate for others,

as well as for ourselves, and impresses upon us the firmest conviction, that whether God shall grant or refuse our humble petitions, we shall not loose an everlasting reward."

(Page 52) The following letters accompanied the Resolution of Thanks from the aggregate meeting of the Catholics of Ireland held at Clarendon-street Chapel on Thursday the 3d of July 1817.

Copy of a Letter from Edward Hay, Esq. to Lieutenant-General Thornton, dated Dublin, 3d July, 1817.

SIR,

I trust that I shall be excused for this hasty letter, in communicating the Resolution of Thanks of the Catholics of Ireland, passed this day with enthusiasm at our aggregate meeting, for Your most judicious and short mode of obtaining our Emancipation; but I considered you would be better pleased to receive the earliest possible intelligence, than that I should wait to dispatch a studied letter to-morrow.

I cannot conclude without expressing the grateful sense I entertain for your most judicious system, in bringing so desirable a measure before the House of Commons, that would be so gratifying to the true friends of religious liberty to accomplish.

I have the honour to be, with great respect,

Your much obliged,
humble servant,
EDWARD HAY,
Sec. to the Catholics of Ireland.

Copy of a Letter from Major Macdermott to Lieutenant-General Thornton, dated Ramore, Loughrea, Ireland, 5th July, 1817.

SIR,

Having had the honour of presiding at the Aggregate Meeting of the Catholics of Ireland, held at Clarendon-street Chapel, Dublin, on the 3d instant, I consider it my duty to transmit You a Resolution of Thanks, unanimously voted to you on that occasion.

That I should be so fortunate as to be placed in a situation that

affords me the honour of addressing You on this subject, is highly gratifying to my feelings.

I have the honour to be,

SIR,

Your most obedient,

and very humble servant,

A. F. M'DERMOTT,

Chairman.

(The Thanks transmitted in each of the above letters are introduced in the Speech, page 53.)

Copy of a Letter from James O'Gorman, Esq. Chairman of the Roman Catholic Aggregate Meeting of the County of Clare, held at Ennis, 25th July, 1817, to Lieutenant-General Thornton, dated Ennis, 29th July, 1817.

SIR,

I have the honour to inclose You a copy of the Eighth Resolution of the Roman Catholic Aggregate Meeting of the County of Clare, held here on the 25th, returning their Thanks for the noble and liberal effort made by You to have certain oaths, now taken by our Protestant Brethren,

abolished and disused: it has been also requested of the Members for this County and Borough, to give their support when this motion comes forward in the ensuing Session.

Permit me to add the sincerest assurances of my respect and gratitude, and believe me to be,

SIR,

Your very obedient,
humble servant,
JAMES O'GORMAN,
Chairman

8th Resolution. Resolved, That our most cordial Thanks be given

to General Thornton, for his liberal, enlightened, and most conciliatory proposal, to abolish those oaths and declarations, by which our Protestant Brethren are required and compelled to vilify and revile, in terms of the most shocking obloquy, as impious and idolatrous, the religious faith of their own ancestors, and of so many millions of their present fellow Subjects and fellow Christians; and that our very sincere Thanks be in like manner presented to Valentine Blake, Esq. for his support of that Motion.

Copy of a Letter from Thomas Stephen Coppinger, Esq. to Lieutenant-General Thornton, dated Leemount, Cork, Sept. 4, 1817.

SIR,

I have the honor of transmitting you the copy of a Resolution unanimously adopted at a numerous and highly respectable Aggregate Meeting of the Roman Catholics of the County and City of Cork, held on the 22d ultimo, at which I had the honour to preside.

Feeling indignant in common with my Catholic countrymen at

those cruel aspersions thrown out against our Characters and Principles in the last Session of Parliament, the more galling as proceeding chiefly from Irishmen; I deem myself peculiarly fortunate at being selected the organ of so respectable a Meeting, in conveying to you, General, this tribute of their gratitude for your generous exertions in our behalf, and particularly for your conduct in bringing forward a motion for the repeal of those oaths, so justly calculated to wound the feelings of Catholics, and which every liberal mind must rejoice to see

abolished. I have the honour to remain, with profound respect,

SIR,

Your most obedient,

humble servant,

THOMAS STEPHEN COPPINGER.

Resolved, That our Thanks are justly due, and hereby given to Lieutenant-General Thornton, for his support of our claims, and in particular for his conduct in the last Session of Parliament.

Extract of a Letter from Isaac Hawkins Browne, Esq. to Lieutenant-General Thornton, dated 12th July, 1817.

" I am very glad you have had the Thanks of the Roman Catholics of Ireland so handsomely transmitted to you, for what may be very properly stiled, *a liberal, rational, and most conciliatory proposal.*"

" You know I have always thought, in the present state of Ireland, it would not be safe to trust the Roman Catholics of that country with a large share of political power; but if we are

obliged to exclude them, it should be done in the mildest manner, provided the exclusion is effectual. The oath of supremacy effectually excludes them, and there cannot be a more unexceptionable mode.

By requiring that oath at the admission of a Member to either House of Parliament, we declare, that a person, who will not acknowledge all the essential prerogatives of the Crown, ought not to be the King's hereditary Counsellor, nor a representative of the people. Why should we add any thing more? To call a Christian brother an idolater, is only an insult and a breach of charity, and

can give no new security to Church or State. Whenever it is necessary to inflict a hardship, in which light every exclusion from power in a free state must be considered, it should be inflicted with every regard to the feelings of the person who suffers from it."

Extract of a Letter from Isaac Hawkins Browne, Esq. to Lieutenant-General Thornton, dated 9th August, 1817.

"I return you the copy you were so kind to send me of the Eighth Resolution of the County of Clare, and the letter enclosing it.

"I heartily hope you will suc-

ceed, for I wish Christian Charity and Toleration to be carried as far, as public safety will admit. I think it would not be consistent with the Constitution to admit Roman Catholics into all offices of trust or power, but we can derive no security from *calling* them *idolaters*, however justly we may abhor their superstition, and however truly they may be charged with idolatry.

"I believe our Great Uncle Bishop Trimnell, with all his zeal for the House of Hanover and for Protestantism, would, from his Christian Charity, have approved your proposition."

Papists debarred the Crown.

The Statute of the 1st year of the reign of King William and Queen Mary, Chapter 6. is "An Act for establishing the Coronation Oath."

An Act declaring the Rights and Liberties of the Subject and settling the Succession of the Crown.

1st William and Mary, Session 2. Chapter 2. Section 9. "And "whereas it hath been found by "experience, that it is inconsis- "tent with the safety and welfare "of this Protestant kingdom, to "be governed by a Popish prince,

" or by any King or Queen mar-
" rying a Papist ;" the said Lords Spiritual and Temporal, and Commons, do further pray that it may be enacted, That all and every person and persons that is, are, or shall be reconciled to, or shall hold communion with, the See or Church of Rome, or shall profess the Popish Religion, or shall marry a Papist, shall be excluded, and be for ever incapable to inherit, possess, or enjoy the Crown and Government of this Realm, and Ireland, and the Dominions thereunto belonging, or any Part of the same, or to have, use, or exercise any Regal power, authority, or jurisdiction within the

same; and in all and every such case or cases the People of these Realms shall be, and are hereby absolved of their allegiance; and the said Crown and Government shall from time to time descend to, and be enjoyed by any such person or persons, being Protestants, as should have inherited and enjoyed the same, in case the said person or persons so reconciled, holding communion, or professing, or marrying, as aforesaid, were naturally dead.

Section 10. And that every King and Queen of this Realm, who at any time hereafter shall come to and succeed in the Impe-

rial Crown of this kingdom, shall on the first day of the Meeting of the first Parliament, next after his or her coming to the Crown, sitting on his or her Throne in the House of Peers, in the presence of the Lords and Commons therein assembled, or at his or her Coronation, before such person or persons who shall administer the Coronation Oath to him or her, at the time of his or her taking the said oath (which shall first happen) make, subscribe, and audibly repeat the Declaration mentioned in the Statute made in the thirtieth year of the Reign of King Charles the Second, intituled, *An Act for the more effectual preserving the*

King's person and government, by disabling Papists from sitting in either House of Parliament. But if it shall happen, that such King or Queen, upon his or her succession to the Crown of this Realm, shall be under the age of twelve years, then every such King or Queen shall make, subscribe, and audibly repeat the said Declaration at his or her Coronation, or the first day of the Meeting of the first Parliament as aforesaid, which shall first happen, after such King or Queen shall have attained the said age of twelve years.

Section 11. All which their Majesties are contented and

pleased shall be declared, enacted, and established by authority of this present Parliament, and shall stand, remain, and be the law of this Realm for ever; and the same are by their said Majesties, by and with the consent of the Lords Spiritual and Temporal, and Commons in Parliament assembled, and by the authority of the same, declared, enacted, and established accordingly.

12*th and* 13*th William III. C.* 2. "*An Act for the further Limitation of the Crown, and better securing the Rights and Liberties of the Subject.*

After reciting the Act of the

1st W. and M. S. 2. C. 2. and then settling the succession to the Crown, after the King, and the Princess Anne of Denmark, and their issue, on the Princess Sophia, Electress and Duchess Dowager of Hanover and her issue, enacts, 3d Clause, " And whereas it is requisite and necessary that some further provision be made for securing our religion, laws, and liberties, from and after the death of His Majesty and the Princess Anne of Denmark, and in default of issue of the said Princess and of His Majesty respectively; be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords

Spiritual and Temporal, and Commons in Parliament assembled, and by the authority of the same.

"That whosoever shall hereafter come to the possession of this Crown, shall join in Communion with the Church of England, as by law established."

"That in case the Crown and Imperial dignity of this Realm shall hereafter come to any person, not being a native of this kingdom of England, this nation be not obliged to engage in any war for the defence of any dominions or territories which do not belong to the Crown of England,

without the consent of Parliament."

"That no person who shall hereafter come to the possession of this Crown, shall go out of the dominions of England, Scotland, or Ireland, without the consent of Parliament." (Repealed by 1st G. I. St. 2. C. 51.)

"That from and after the time that the further limitation of this Act shall take effect, all matters and things relating to the well governing of this kingdom, which are properly cognizable in the Privy Council by the laws and customs of this realm, shall be

transacted there; and all resolutions taken thereupon shall be signed by such of the Privy Council as shall advise and consent to the same." (Repealed by 4 Annæ, c. 8. § 24.)

"That after the said limitation shall take effect as aforesaid, no person born out of the kingdoms of England, Scotland, or Ireland, or the dominions thereunto belonging (although he be naturalized or made a denizen, except such as are born of English parents) shall be capable to be of the Privy Council, or a Member of either House of Parliament, or to enjoy any office or place of

trust, either civil or military, or to have any grant of lands, tenements, or hereditaments from the Crown to himself, or to any other or others in trust for him."

"That no person who has an office or place of profit under the King, or receives a pension from the Crown, shall be capable of serving as a Member of the House of Commons." (Repealed by 4 Anne, C. 8. S. 25.)

That after the said limitation shall take effect as aforesaid, Judges' commissions be made *Quamdiu se bene gesserint*, and their

salaries ascertained and established; but upon the address of both Houses it may be lawful to remove them.

"That no pardon under the Great Seal of England be pleadable to an Impeachment by the Commons in Parliament."

"4. And whereas the laws of England are the birth-right of the people thereof, and all the Kings and Queens, who shall ascend the Throne of this Realm, ought to administer the Government of the same according to the said laws, and all their officers

and ministers ought to serve them according to the same: The said Lords Spiritual and Temporal, and Commons, do therefore further humbly pray, that all the Laws and Statutes of this Realm for securing the established Religion, and the Rights and Liberties of the people thereof, and all other Laws and Statutes of the same now in force, may be ratified, and confirmed, and the same are by His Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, and by authority of the same, ratified and confirmed accordingly."

5 Queen Anne, C. 8 S. 8. (Act of Union with Scotland.) "And be it further enacted by the authority aforesaid, that after the demise of Her Majesty (whom God long preserve) the Sovereign next succeeding to Her Majesty in the Royal Government of the Kingdom of Great Britain, at his or her Coronation, shall in the presence of all persons which shall be attending, assisting, or otherwise; then and there present, take and subscribe an oath to maintain and preserve inviolably the said settlement of the Church of England, and the Doctrine, Worship, Discipline and Government thereof, as by Law established

within the Kingdoms of England and Ireland, the Dominion of Wales, and Town of Berwick upon Tweed, and the Territories thereunto belonging."

39th and 40th G. 3. C. 67. (Act of Union with Ireland) Article the fifth, "That it be the fifth Article of Union, that the Churches of England and Ireland, as now by Law established, be united into one Protestant Episcopal Church, to be called, *The United Church of England and Ireland;* and that the Doctrine, Worship, Discipline, and Government of the said United Church shall be, and shall remain in full force for

ever, as the same are now by Law established for the Church of England; and that the continuance and preservation of the said United Church, as the Established Church of England and Ireland, shall be deemed and taken to be an essential and fundamental part of the Union; and that in like manner the Worship, Doctrine, Discipline, and Government of the Church of Scotland, shall remain and be preserved as the same are now established by Law, and by the Acts of the Union of the two Kingdoms of England and Scotland."

Extract from a book intituled

"The Form and Order of the Service that is to be performed, and of the Ceremonies that are to be observed, in the Coronation of Their Majesties King George the Third and Queen Charlotte, in the Abbey Church of St. Peter, Westminster, on Tuesday the 22d September, 1761. London. Printed by Mark Baskett, Printer to the King's Most Excellent Majesty; and by the Assigns of Robert Baskett. 1761." Page 29 Section 7.

"The Declaration and Oath."

Sermon being ended, the Archbishop goeth to the King, and standing before him, asketh him;

. Is Your Majesty willing to make the Declaration ?

The King answers,

I am willing.

The Archbishop being ready with the said Declaration written in a roll of parchment, and reading it as followeth :

I George the Third, by the Grace of God King of Great Britain, France, and Ireland, Defender of the Faith, &c. (The Declaration is to be found in the Speech at page 15.)

The King makes, and audibly repeats and subscribes the same upon the top of his Faldstool, a silver

standish being brought out of the traverse for that purpose.

Then the Archbishop administers the Coronation Oath, first asking the King,

Sir, is Your Majesty willing to take the Oath?

And the King answering,

I am willing.

The Archbishop ministereth these Questions; and the King, having a book in his hands, answers each question severally, as follows:

Archbishop. Will you solemnly promise and swear to govern the people of this Kingdom of Great

Britain, and the Dominions thereto belonging, according to the Statutes in Parliament agreed on, and the respective Laws and Customs of the same?

King. I solemnly promise so to do.

Archbishop. Will you to your Power cause Law and Justice, in Mercy, to be executed in all your Judgments.

King. I will.

Archbishop. Will you to the utmost of your power maintain the Laws of God, the true profession of the Gospel, and the Protestant Reformed Religion Established by Law? And will

you maintain and preserve inviolably the Settlement of the Church of *England*, and the Doctrine, Worship, Discipline, and Government thereof, as by Law established within the Kingdoms of *England* and *Ireland*, the Dominion of *Wales*, and Town of *Berwick* upon *Tweed*, and the Territories thereunto belonging, before the Union of the two Kingdoms? And will you preserve unto the Bishops and Clergy of *England*, and to the Churches there committed to their Charge, all such Rights and Privileges, as by Law do, or shall appertain to them, or any of them?

King. All this I promise to do.

Then the King arising out of His Chair, supported as before, and assisted by the Lord Great Chamberlain, the Sword of State being carried before Him, shall go to the Altar, and there being uncovered, make his Solemn Oath in the sight of all the people, to observe the Premises: laying his right hand upon the Holy Gospel in the Great Bible; which was before carried in the Procession, and is now brought from the Altar by the Archbishop, and tendered to Him as he kneels upon the steps, saying these words:

The things which I have before promised, I will perform, and keep,

So help me God.

Then the King kisseth the Book, and signeth the Oath.

After the Queen's Coronation (beginning in page 64) and other Ceremonies, the King and Queen receive the Holy Communion.

Extract from the Works of the Right Honourable Edmund Burke.

Printed for F. and C. Rivington, St. Pauls Church-Yard, 1803. *Octavo Edition. Page* 328, *Volume* 6.

" It is hard to distinguish with the last degree of accuracy, what laws are fundamental, and what not. However there is a distinction between them, authorized by the writers on jurisprudence, and

recognized in some of our Statutes. I admit the Acts of King William and Queen Anne to be fundamental, but they are not the only fundamental laws. The law called *Magna Charta*, by which it is provided, that "no man shall be disseized of his liberties and free customs but by the Judgment of his Peers, or the Laws of the Land," (meaning clearly for some proved crime tried and adjudged) I take to be a *fundamental law*. Now, although this Magna Charta, or some of the Statutes establishing it, provide that that Law shall be perpetual, and all Statutes contrary to it void, yet I cannot go so far as to deny the authority

of Statutes made in defiance of Magna Charta and all its principles. This however I will say, that it is a very venerable law, made by very wise and learned men, and that the legislature, in their attempt to perpetuate it, even against the authority of future Parliaments, have shewn their judgment that it is *fundamental*, on the same grounds, and in the same manner that the Act of the Fifth of Anne has considered, and declared the establishment of the Church of England to be fundamental. Magna Charta, which secured these franchises to the subjects, regarded the rights of freeholders in counties to be

as much a fundamental part of the Constitution, as the establishment of the Church of England was thought either at that time, or in the Act of King William, or in the Act of Queen Anne."

"The Churchmen, who led in that transaction, certainly took care of the material interest of which they were the natural guardians. It is the first article of Magna Charta, "that the Church of England shall be free," &c. &c. But at that period Churchmen, and Barons, and Knights, took care of the franchises and the free customs of the people too. Those franchises are part of the Consti-

tution itself, and inseparable from it. It would be a very strange thing if there should not only exist anomalies in our laws, a thing not easy to prevent, but that the fundamental parts of the Constitution should be perpetually and irreconcileably at variance with each other. I cannot persuade myself that the lovers of our Church are not as able to find effectual ways of reconciling its safety with the franchises of the people, as the ecclesiasticks of the thirteenth century were able to do; I cannot conceive how any thing worse can be said of the Protestant Religion of the Church of England than this, that wher-

ever it is judged proper to give it a legal establishment, it becomes necessary to deprive the body of the people, if they adhere to their old opinions, of "their liberties and of all their free customs," and to reduce them to a state of civil servitude."

"There is no man on earth, I believe, more willing than I am, to lay it down as a fundamental of the Constitution, that the Church of England should be united and even identified with it; but allowing this, I cannot allow that all *laws of regulation*, made from time to time, in support of that fundamental law,

are of course, equally fundamental and equally unchangeable. This would be to confound all the branches of legislation and of jurisprudence. The *Crown* and the personal safety of the Monarch are *fundamentals* in our Constitution: yet, I hope that no man regrets, that the rabble of Statutes got together during the reign of Henry the Eighth, by which treasons are multiplied with so prolific an energy, have been all repealed in a body; although they were all, or most of them, made in support of things truly fundamental in our Constitution. So were several of the Acts by which the Crown exercised its

supremacy; such as the Act of Elizabeth for making the *high commission Courts*, and the like; as well as things made treason in the time of Charles the Second. None of this species of *secondary and subsidiary laws* have been held fundamental. They have yielded to circumstances: particularly where they were thought, even in their consequences, or obliquely, to affect other fundamentals."

DEDUCTION,

AND

CONCLUSION.

DEDUCTION, AND CONCLUSION.

I AM apprehensive the Authorities and Illustrations I have considered it right to insert, may be thought too long, and tedious, but I did not know how to abridge them in justice to the subject.

I have given Extracts from the different Acts of Parliament which appear to me applicable. The present form of the Oath of Su-

premacy, will be found at page 22; the Oath of Allegiance at page 72; and the Oath of Abjuration at page 78. The two Declarations will be found at page 15, and at page 83.

The Extracts from the Reverend Doctor Clarke's History of King James the Second (page 87), and from Hume's History of England, (page 118), will show the nature of the Dispensing Power, exercised by the Sovereigns, as one of their Prerogatives, from the year 1251, in the Reign of King Henry the Third; together with the Arguments made use of, in support of that Power. By dis-

pensing with the Tests, King Charles the Second restored his Brother the Duke of York in the year 1684 to the office of Lord High Admiral, as will appear at page 118; although in the year 1673, when he was removed from that station; in consequence of the Tests established by the Act of the 25th year of the Reign of King Charles the Second, probably passed with a view to his removal, as will appear at page 85; the King did not choose to exercise his Dispensing Power in order to keep him in place.

Extracts are given, at page 120, from the Act of the 1st Year of

the Reign of King William and Queen Mary, which deprived the Sovereign of the Dispensing Power by a *non obstante*; so that the Oath of Supremacy, and the other Oaths, can no longer be avoided when required by law. There can therefore be no reasonable pretence for continuing the Declarations.

The charge that Papists sat in Parliament by taking the Oath of Supremacy falsely, before the Declaration was required by the Act of the 30th Year of the Reign of King Charles the Second, appears to be totally unfounded, and could not possibly be true with

regard to Members of the House of Lords, because, from them, those Tests have never been seperately required. It will be seen by the clause at page 68, that all Temporal Lords of or above the degree of a Baron, were exempted from taking the Oath of Supremacy; which exemption continued until the Act of the Thirtieth Year of the Reign of King Charles the Second, by which the Oaths of Supremacy and Allegiance, and the Declaration were required, as will be seen at page 73. That charge can, therefore, never have been fairly applied to the Duke of York, who, in the last clause of

that Act, was exempted by name from taking the Oaths, and making that Declaration.

Nor is such a charge more applicable to Sir Thomas Clifford, who was in April 1672, created Baron Clifford of Chudleigh in the County of Devon, but who could not have been required to take the Oath of Supremacy, as a qualification for taking his seat in the House of Peers; the Lords, as I have shown, being at that time exempted from taking that Oath. Lord Clifford died in September, 1673; whereas the Oath of Supremacy was not required to be taken by the Lords, in order to

sit in the House of Peers, until 1678; when it was required, together with the Declaration. Besides, I have reason to believe, from the Extracts I have given from Doctor Clarke's History of King James the Second (page 86), and from Mr. Evelyn's Diary, (page 115) that His Lordship did not change to the Roman Catholic Religion before the year 1673. It appears by the Biographia Britannica, that His Lordship built a Chapel at his seat at Ugbrook, which was not finished until 1671, and which was consecrated by Anthony Bishop of Exeter, so that he must certainly

have been a Protestant at that time.

The Extract I have given from the able Speech of the Right Honourable Robert Peel (page 122) on the Catholic question, in May, 1817, will, in my humble opinion, prove the expediency and importance of agreeing to my proposition, whether further objects, shall, or shall not, be in contemplation, with respect to the Roman Catholics.

I have shown by Extracts, which will be found at page 124, from the French Translation of

the Explanation of the Catechism of the Greek-Russian Church, a book of authority, composed expressly for the instruction of the late Emperor of Russia, by Platon, the late Metropolitan of Moscow, printed at St. Petersburgh in the year 1776; how much that Church, which is perfectly independent of the Pope, is affected by the imputations contained in such a sweeping Declaration.

The Reverend Samuel Wix has done me the honour of sending me his late publication. The Extract from it, which I have made, at page 131, will show the opinion of a Protestant Divine,

of a candid and benevolent mind, on the Doctrines of the Church of Rome, and will exemplify the similarity in the points in question of the Greek-Russian Church and the Church of Rome.

I have likewise inserted, at page 140, the Article of our own Church on Transubstantiation. Neither in that, nor in any of the rest of the Articles of our Religion, is there a charge of idolatry. The twenty-second Article on the Romish Doctrine concerning worshipping, and adoration, as well of images, as of reliques, and also invocation of Saints, is couched in still milder

terms, than the twenty-eighth Article, which I have inserted on Transubstantiation.

Being sensible how inadequate my own abilities are, to support, as I could wish, the cause I have espoused; I have taken the liberty of calling powerful allies to my assistance, and of inserting Extracts, by way of Illustration, from the published Works of Mr. Burke, Doctor Vincent, and Mr. Hawkins Browne.

The Works of the Right Honourable Edmund Burke deserve to be written in letters of gold. Almost every sentence contains

some useful maxim; serving to instruct and to exalt human nature; expressed in the finest and most powerful language. I have inserted Extracts from his Works at pages 142 and 199.

The Very Reverend Doctor William Vincent, for about forty years, Head Master, Under Master, and Usher of Westminser School; and afterwards Dean of Westminster; who died on the 21st of December, 1815, in the 77th year of his age, was one of the best preachers, if not the very best preacher of his day. I have frequently heard him lament from the pulpit, the mischief which

has been done to the Christian Religion by attempts to explain holy mysteries; which are above human comprehension, and which ought to produce humility and obedience; instead of encouraging presumption. He explained those parts of the Scriptures, which are not above human understanding, most clearly and forcibly, and perfectly in the spirit of sincerity and truth. The Extract I have given from one of his Sermons at page 149, will point out, the example set by Christ and the Apostles for our instruction.

Of Isaac Hawkins Browne,

Esquire, who died on the 30th of May last, in the 73d year of his age, I am disposed to speak more fully, having, as a near relation, had the happiness of being acquainted with him from my infancy; his father of the same name, the celebrated Author of the Latin Poem *De Animi Immortalitate*, having married an elder Sister of my Mother. (They were Daughters of the Reverend Doctor David Trimnell, Archdeacon of Leicester and Precentor of Lincoln, younger brother of Charles Trimnell, Lord Bishop of Winchester.). He was the only issue of that marriage; and inherited an ample independent fortune.

After passing some years at Westminster School, and at the University of Oxford; he travelled in foreign countries, and visited most of the principal Courts in Europe. He was an active Member of the House of Commons for above twenty-eight years, during which time he was Representative in Parliament for the Borough of Bridgnorth; from which representation he retired at the general election in 1812, on finding his health no longer equal to the attention he thought it right to pay to his parliamentary duties. In supporting the Constitution of his Country, his own constitution received an injury, which

it never perfectly recovered; but under which, after a few attempts to rally, it gradually sunk. His public character for honesty and ability stood very high. He was possessed of a superior and highly cultivated mind and understanding. In his religion, he was firm to the Established Church in all its sublimity and purity, and perfectly free from bigotry and enthusiasm. On Sundays, after regularly attending the public service at Church, he read Prayers and a Sermon at night to his own family and establishment, and to all who were staying in his house. As a private Friend and Adviser he was invaluable. His conver-

sation was cheerful, and replete with instruction and anecdote, set off with a great deal of easy wit and elegance of language, tending to enforce and fix in the mind the best moral and religious precepts. He had the art of putting persons of inferior talents perfectly at their ease in his society, and of dressing and improving their ideas in a manner most flattering and encouraging to them. He was of a generous and hospitable disposition, which his handsome estate enabled him to gratify. Until within a few years of his death, he had generally large parties of his friends at his country seat at Badger, in

Shropshire; at which times there were cards and a variety of other amusements in the evening; but when he had only a small party, he usually read aloud from Shakspeare's Plays, and other works of taste and genius, which, notwithstanding a little habitual hesitation in his speech, he did in so superior a manner, as to engage the full attention of his hearers, and frequently to occasion the discovery of new beauties in his author. This pleasing and gratifying faculty, as he never attempted to act in his readings, was entirely owing to judicious emphasis, and modulation of voice, governed by good taste and

correct judgment. He was an excellent Correspondent, and his letters were classical and elegant. These various talents were accompanied with much mildness and humility, but with a still more considerable degree of firmness and determination. He was a very dutiful Son; and a most affectionate Husband to two Wives, by whom he had no children. He had great feeling and humanity, and was very kind and attentive to his servants, and to the lower orders of the people. He was courteous, civil, and obliging to all, carrying politeness almost to excess. In his donations, cautious and discrimi-

nating; but liberal and munificent to objects deserving of his bounty. He was in the constant exercise of piety towards God; and of Christian Charity towards men, in its largest and truest sense. I trust I shall be pardoned in thus endeavouring to do justice to the memory of Mr. Hawkins's Browne.

Looking up, as I did, to such a character, I derived the greatest satisfaction from those parts of my conduct in the House of Commons, which met with his approbation. As did, amongst other measures, the Act of Parliament, which I had the happiness of carrying in a former Session, for

the total abolition of an indecent and barbarous punishment on Female Offenders. And, in addition, to what I have inserted, at page 155, from his Essays Religious and Moral, which he published a short time before his death; I am happy to have an opportunity of giving two short extracts from his private correspondence, (pages 173, and 175) to show how cordially he concurred with me, in the propriety of abolishing the Declarations in question.

These three great authorities, will, I hope, add so much weight

to my arguments, as to make them irresistible.

I have heard it asserted that Roman Catholics are not behind-hand in using offensive language towards Protestants; but this assertion, if true, cannot be considered by any correct mind as furnishing the smallest excuse for our misconduct. Nay more; if by obnoxious declarations, or other offensive conduct on our part, we occasion from persons of different religious persuasions, either offensive language, or open violence; we are, in a moral and religious point of view, answer-

able for those additional offences. Roman Catholics cannot but be indignant at this wanton charge of idolatry; a sin they abhor; and of which they believe themselves to be perfectly innocent. It must necessarily follow, that they consider such a charge as false and malicious; the perseverance in which is not likely to give them a favourable opinion of our Established Church. Orange meetings and processions have met with such laudable discouragement, that, I trust, such shameful outrages will never again be attempted. We cannot too soon get rid of this remaining

insult on our Fellow Christians, for which there can be no excuse.

The Thanks of three different meetings of Catholics in Ireland, with the Letters which accompanied them (pages 53 and 163), as they are so honourable to the different parties, as well as so flattering to me, I have thought it my duty to insert; particularly as they will show, how warm and grateful their feelings are, whenever there is a disposition to do them justice; which, although proceeding from a sense of public duty, they are readily disposed to receive as an act of kindness.

The Honourable Member who was to have seconded my Motion, not having come to the House in time; I was much obliged to Mr. William Smith for volunteering that service, and for making an animated Speech on the occasion. I likewise felt very grateful to Lord Castlereagh; who, although he moved the previous question, did it so much like a gentleman (having been pleased, in the handsomest manner to impute the best intentions to me in submitting my proposition to the House), that next to the success of a measure which I had much at heart, nothing could be more satisfactory to my feelings

than what passed on that day. I should have been glad to have inserted the Speeches of the Noble Lord, and of the Honourable Seconder of my Motion, if I had thought I should have been justified in taking that liberty; although I should have found some difficulty in doing them justice. The Noble Lord not having moved that my Motion should be rejected; but only that the question should not then be put; I am willing to infer from it a favourable opinion of my proposition; and that the Noble Lord will be disposed to support such a measure at another opportunity.

There was an allusion in the Noble Lord's Speech, which, I conceive, had in view a further effect of my Motion, not touched upon in my Speech, from a wish not to take up more of the time of the House than I could possibly avoid.

But if my Motion had been carried, for the House to resolve itself into a Committee; it would then have become necessary to have taken into consideration the effect of the abolition of these Declarations, with regard to the securities to the Established Church, required from the Sovereign on succeeding to the Throne. I have since been

sorry that I omitted this part of the subject in my Speech, as, I think, the importance of it would have added much weight to my arguments. For if the Declaration required by the Act of the 30th Year of the Reign of King Charles the Second, is proved to be highly improper and inexpedient, with respect to the Members of the two Houses of Parliament; how very objectionable it must be considered; to call on the Sovereign; at the time of taking the Coronation Oath; in one of the first public Acts of Majesty; which it must be the general wish should be particularly gracious; to make, subscribe, and audibly

repeat; and solemnly, and sincerely, in the Presence of God, to profess, testify, and declare; the belief; that the Public Worship of millions of Subjects, and of other Fellow Christians, is superstitious and idolatrous; many of those millions not acknowledging the ecclesiastical or spiritual authority of the Pope, which is the only plausible ground for interfering with their religious opinions.

That this branch of the subject may be fairly brought in view, I have, amongst the Authorities, inserted those parts of the Statutes which require this Declaration to

be made by the Sovereign (page 177), with the form of the Coronation Oath (page 195), as administered in the year 1761 to His present Majesty. The last Extract from Mr. Burke (page 199), will serve to show, how little excuse there will be, for making an objection to the abolition of such an improper obligation, because it is at present subsidiary to part of our fundamental laws.

If hereafter, on the abolition of the Declaration in question, any security in lieu of it, should be thought necessary, in addition to the present Coronation Oath; I can see no reason why the So-

vereign should not give the same security as others; by being required to take the Oath of Supremacy; or in case of any objection to that form; which I do not foresee; I apprehend there could be no difficulty in framing some other Oath or Declaration, which would be perfectly satisfactory.

The Sovereign would, doubtless, feel the highest gratification in giving the Royal Assent to an Act, which must occasion so glorious a sensation to an honest and benevolent heart.

Truth is my great object; and I trust that I have sufficiently

proved; First, The falsehood and absurdity of the prejudice against Roman Catholics, that they do not consider the Oaths as binding, but that they consider the Declarations as binding; from which unjust prejudice, an inference is drawn of the necessity of those Declarations; there being no reason to doubt, that conscientious believers in the spiritual authority of the Pope, will continue to exclude themselves, as long as the Oath of Supremacy is in force; and that those who are not conscientious, will not be excluded by Oaths and Declarations. Secondly, That this point can never have been put to the

proof in the House of Lords; the Oath of Supremacy not having been required in that House, until the act was passed, which at the same time required the Declaration. Thirdly, that if there have been any instances of Papists sitting in the House of Commons, who were actually of that persuasion when they took their seats; after the Oath of Supremacy was required, and before the Declaration was established; it is most probable they were excused taking that Oath by the dispensing power of the Sovereign; which could then be exercised without difficulty; as it was not required to be taken at

the table of the House; but only before the Lord Steward for the time being, or his Deputy, or Deputies. But if any Papists did take the Oath of Supremacy falsely, it is to be presumed, they would, at least with equal readiness, have made the Declaration falsely; as some have been accused of doing since, with what truth I do not know.

Stress has been laid, in support of this prejudice, on some words contained in the Preamble to the Act of the 30th year of the Reign of King Charles the Second, namely, "The liberty which of late some of the Recusants have

had and taken to sit and vote in Parliament;" but in my opinion, without the least reason. Considering the alarm and virulence which then prevailed, there would have been no backwardness in accusing Papists of taking the Oaths falsely, if there had been the least ground for such an accusation. But no such charge is made in the preamble. There might have been Papists in the House of Commons who had been excused the Oaths before taking their seats, by the dispensing power of the Sovereign. Or Members, who were Protestants in the year 1661, and at that time had taken the Oaths with sincerity;

but who during the seventeen years, between the commencement of that Parliament, and the passing of that Act, although they had become Papists; would not again have been called upon, to take the Oaths. To such Members, those words in the Preamble might refer. But it is not to be supposed, considering the bitterness and animosity which then prevailed, that there would be much delicacy, or regard to truth in the words used in the Preamble. Even in the House of Peers, the coarsest and most violent language was then made use of, which met with praise and approbation, instead of exciting

disgust. In consequence of pretended Popish plots, a panic spread itself on every side. Men were astonished with fear, and animated with rage. Each hour teemed with new rumours and surmises; and every thing was done to propagate the popular phrenzy. The torrent, indeed, of national prejudice ran so high, that no one, without the most imminent danger, durst venture openly to oppose it. Such is the account given in Hume's History of England. Enforcing the Oaths of Supremacy and Allegiance, to be taken at the table of each House by the Members, would have been full and and ample security. The

addition of the Declaration, with an accusation of idolatry, considering the temper which prevailed, was probably intended principally as an insult on Roman Catholics. Of a piece with the open and cruel insults long continued in Ireland, which, by the benevolence and wisdom of Government, have been lately discouraged, and are, I hope, for ever, silenced. In the same wise and benevolent disposition, it seems to me, to be the bounden duty of all persons, either by their votes or influence, to assist in the abolition of this remaining wanton insult of the Declaration.

That such an unjust prejudice should have been suffered to exist, is much to be lamented; as it has given an erroneous and uncharitable bias, to the minds of Protestants; which for their own honour and advantage cannot be too soon removed. It has led them to revile, not only Papists, their real object; but likewise other fellow Christians, who have no more to do with the Pope than we have. To make an open charge of idolatry, which, although believed to be true by many Protestants, is not contained in the Thirty-nine Articles of our Religion; and the truth of which is doubted by some Pro-

testants; and actually denied by other Protestants of information and weight. *Gunning, Bishop of Ely*, according to Bishop Burnett, *denied it in the House of Lords.* And according to Boswell's life of Johnson; *Doctor Johnson*, speaking of the doctrines of the Church of Rome, declared, "*There is no idolatry in the Mass. Roman Catholics believe God to be there, and they adore Him.*" "*They do not worship Saints; they invoke them; they only ask their prayers.*" The tendency, besides, which the Declarations have, to identify and unite the seperate doctrines of Transubstantiation, and the ecclesiastical or spiritual authority

of the Pope, is an additional evil; as those doctrines are in themselves perfectly distinct, and ought not to be confounded. Thus by our bad policy, and inconsistent conduct; to say nothing of the wickedness of the act; we contribute to increase the power of the Pope in this country, of which we so much complain.

In bringing forward these proofs and arguments, I believe I have faithfully kept my promise of asbtaining from interfering with what is called the Roman Catholic question; and that I have fully shown, how necessary it is for the credit and justification

of Protestants, that they should no longer be misled, by unfounded prejudices, to persist in bitterness and evil speaking, so strongly forbidden by the precepts in our Bible. We are commanded by our Saviour "*To condemn not, and we shall not be condemned: to forgive, and we shall be forgiven.*" And "*To love one another.*"

In this spirit let me beseech His Royal Highness the Prince Regent; together with His Majesty's Ministers; and likewise the Archbishops, the Bishops, the Temporal Lords, and the Commons, of the United King-

dom, of Great Britain and Ireland; as well as the Convocations of Canterbury and York; and all other Christians, whether of the Clergy or of the Laity; to take the first opportunity of giving their most serious consideration to a subject of such importance. In doing which, They will, I am convinced, feel it to be their duty to assist in abolishing Declarations, so offensive to every true Patriot, and to every true Christian; and so derogatory from the honour and real dignity of the Sovereign, and of both Houses of Parliament; as well as of the Established Church.

My firm attachment to the Constitution of my Country both in Church and State, makes me thus urgent in praying them to assist in removing this just cause of complaint, without loss of time; and, I trust, They will excuse me when I call to their attention the last Extract I have given from Mr. Burke's Works, at page 199; hoping They will not think, I have, in the smallest degree, departed from the respect due to Them, when, in addition, I humbly beg Them seriously to reflect; whether Religion and Morality do not require Them to abolish these Declarations; in order to

prevent in future the violation of fundamental maxims and principles, which ought to be written in every Heart, namely, "*To have always a conscience void of offence toward God and toward Man.*" And "*To do justly, and to love mercy, and to walk humbly with our God.*"

With these sound Principles and Maxims; in the perfect Spirit of Christian Charity; I shall conclude a performance; which a paramount sense of duty has imperiously called upon me to undertake; and which, with all its imperfections, I hope, will be

received in the same Spirit of Christian Charity, in which it is delivered to the World.

WILLIAM THORNTON.

Grosvenor Gate, 1818.

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